

Summary of Comments

A-2026-004

950 Barry Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-2026-004
MEETING DATE: March 19, 2026
TO: Sarah Burton Hopkins
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-2026-004 seeking relief from Section 4.2(a) for a decrease in the required minimum front yard setback from 8 m to 4.4m.

PROPERTY INFORMATION:

Municipal Address	950 Barry Avenue
Legal Description	PLAN 684 LOT 27 PT LANE AND RP 51R20556 PARTS 5 AND 9
Official Plan	Residential Low Density 1 (Schedule B3)
Zoning By-law	Residential (R1) Zone

RECOMMENDATION:

The Planning Department recommends deferral of A-2026-004 until the following is provided:

- 1.) That the Minor Variance application be amended to reflect a request to amend the applicable Section 3.26 a) of the Zoning By-law
- 2.) That the height of the proposed dwelling comply with the maximum 7.5 m flat roof requirement or that a variance be applied for.
- 3.) That the owner/applicant provide updated plans showing a reduced front yard setback or alternate location for the addition to the satisfaction of the planning department.

Application Number	By-law Section	Requirements	Proposed	Difference
A-2026-004	4.2a	8 m	4.4m	3.6m

REASON FOR APPLICATION:

The applicant is proposing to build a second storey addition on the existing dwelling. The applicant is seeking relief from Section 4.2a of the Zoning By-law, which requires a minimum front yard setback of 8m. The applicant is proposing a front yard setback of 4.4m. However, upon review, it has been determined that relief from Section 3.26 a) is required as the existing dwelling

is considered a ‘legally existing, non-complying structure’ with a legal non-complying front yard setback. Please note that an identical minor variance application was made in in 2020 (see A-024-2020); this application was subsequently denied by the Committee upon Staff recommending refusal.

SURROUNDING LANDS:

North	Single-detached dwelling
East	Barry Ave and Single-detached dwellings
South	Single-detached dwellings
West	Woodlot

ANALYSIS:

Site Inspection Date	March 10, 2026
Maintains the purpose and intent of the Official Plan: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The subject lands are located within the Lefroy/Bell Ewart settlement area. The subject lands are designated Residential Low Density Area in the Town’s Official Plan (Schedule B3). This designation permits single-detached dwellings and accessory structures.</p> <p>Section 10.1.37 and 10.1.40 of the Official Plan includes urban design policies that speak to built form in terms of massing, streetscapes and the local character of the neighborhood. Section 10.1.37 states that generally “the front facades of buildings will align with development on neighbouring lots to define a continuous streetscape. Houses should be designed to frame the street edge with a consistent setback” Section 10.1.40 states that “Building height, massing and architectural features of infill development and intensification shall respect and fit in to the context of the local character.” The proposal would not maintain a consistent streetscape within the context of the surrounding properties. An additional storey with deficient setbacks would result in massing concerns in relation to the local character of the neighborhood in the opinion of Staff.</p> <p>Staff are recommending deferral to provide opportunity for the applicant to revise drawings to the satisfaction of the Planning Department providing additional second storey relief. Staff are also requesting a change to the variance to address the correct nature of the relief requested (expansion to a legal non-complying structure).</p>
Maintains the purpose and intent of the Zoning By-law: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) Zone in Town Zoning By-law No. 080-13, which permits single detached dwellings, but requires minimum front yard setback of 8m.</p> <p>The purpose and intent of the Zoning By-law with respect to a front yard setback minimum is to maintain a consistent streetscape and reduce visual bulk and massing of structures. The proposed reduction of 3.6m from the required 8m setback would not maintain a consistent streetscape with regards to the surrounding dwellings in the opinion of Staff.</p> <p>Staff have also noted that relief from section 3.26(a) is required considering the legally existing, non-complying structure (dwelling) on</p>

	<p>the property. The existing setback is non-complying therefore the appropriate variance would be a request for relief for expansion of a non-complying building, rather than a variance for front yard setback.</p> <p>Additionally, the proposed height of the dwelling is greater than the 7.5 m maximum height permitted for flat roofs. The plans show a height of 7.7m which will require an additional variance to section 3.26(a).</p> <p>In consideration of the above, Staff are recommending deferral to allow a revision of the existing plans, and to address the correct section of the Zoning By-Law in relation to the requested relief.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The proposed development would negatively impact streetscape consistency and massing in relation to the local character of the neighbourhood.</p> <p>As such, Staff do not consider the proposed 2nd storey addition to be reasonable development of the land considering its local context, given the surrounding properties on the street.</p>
<p>The variance is minor in nature: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Staff are of the opinion that the proposed variance is not considered minor in the context of the local character of the neighborhood and would recommend deferral subject to further discussion on the design.</p>

CONCLUSION:

The Planning Department recommends deferral of application A-2026-004.

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Building Department

MEMORANDUM TO FILE

DATE: March 12, 2026

FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

FILE/APPLICATION: A-2026-004

SUBJECT: 950 Barry Ave.

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval)

No comments.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application.)

No comments.



Engineering

MEMORANDUM TO FILE

DATE: March 19, 2026

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: A-004-2026

SUBJECT: 950 Barry Avenue

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comment.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comment.



Sent via e-mail: thaghsheenas@innisfil.ca

March 13, 2026

Municipal File No.: A-2026-004
LSRCA File No.: VA-74845-031226

Toomaj Haghshenas
Development Planner
2101 Innisfil Beach Rd
Town of Innisfil/L9S 1A1

Dear Toomaj,

Re: Application for Minor Variance
950 Barry Ave
Town of Innisfil
Owner: Giocanda Mayela Romero
Applicant: Justin Sherry Design Studio

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to demolish and rebuild the existing deck within the same footprint, the applicant is also proposing to demolish and rebuild the existing detached dwelling with the same ground floor with new second storey larger than the ground floor that would be located over the covered porch. The Applicant/Owner is seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 4.2a which requires a minimum front yard setback of 8 metres where the applicant is asking for a reduction to 4.57 metres.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Public Notice (dated March 3, 2026)
- Site Plan prepared by Justin Sherry Design Studio (dated June 1, 2020)
- Floor Plans and Elevations prepared by Justin Sherry Design Studio (dated May 1, 2020)
- Justification Report prepared by Justin Sherry Design Studio (dated February 12, 2026)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU)

with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

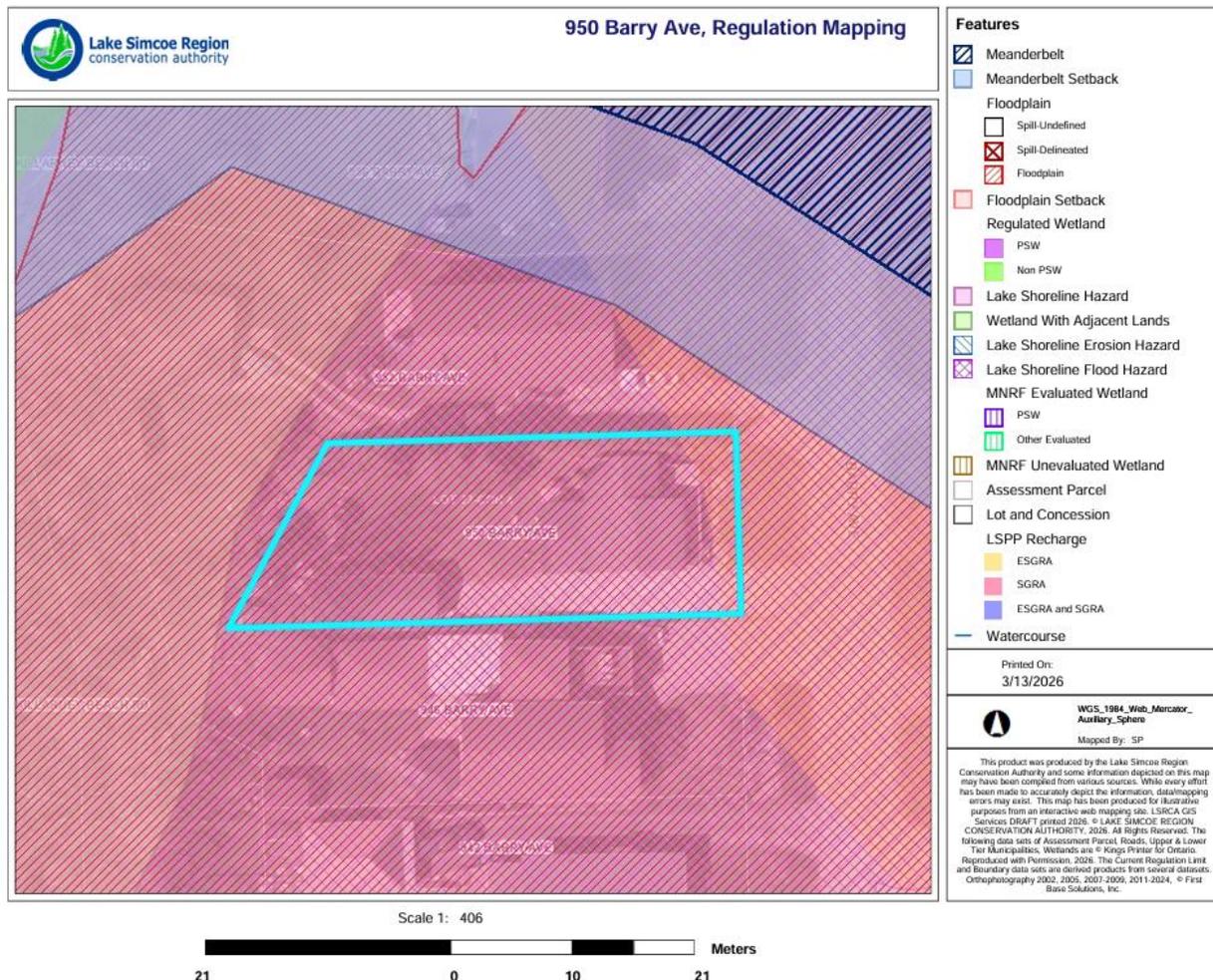
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land is approximately 591 square metres in land area and is located west of Barry Road and north of Killarney Beach Road within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Residential One Zone’ (R1) as per the Town of Innisfil’s Online Interactive mapping tool.
- The subject property is entirely regulated by the LSRCA under Ontario Regulation 41/24 for flood hazard associated with Carson Creek and flood hazard associated with Lake Simcoe. Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or sub-watershed study area – Innisfil Creeks Subwatershed Plan.
- The subject property is within an Ecologically Significant Groundwater Recharge Area (ESGRA).



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS). There are identified natural hazards on the subject lands (flood hazard associated with Carson Creek and flood hazard associated with Lake Simcoe). Based on the information submitted as part of this application, the proposal is generally consistent with 5.2 of the PPS.

The applicant is proposing the redevelopment of the existing legal non-conforming dwelling which is entirely located within the riverine flooding associated with Carson Creek and Lake Simcoe. Based on LSRCA's review of the submitted plans, the proposed development is in conformity with Section 5.2.8 of the PPS. Sections 5.2.8 (a) are to be addressed through LSRCA's review of the required permit.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 41/24 applies to the entirety of the subject property. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

LSRCA staff note that the Applicant/Owner has obtained written approval from the LSRCA regarding a previous minor variance application in an email dated June 30, 2020 (LSRCA file no. VA- 74845-062320).

LSRCA staff note that there is no record or history regarding a permit from the LSRCA on the subject property.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.
2. Please note that LSRCA has conducted a flood study of Carson Creek. Any development or site alteration occurring within this will be required to follow the engineering recommendations of this report. It is recommended that the applicant reach out to the LSRCA to understand of these engineering recommendations may impact the design of the proposed development and site alteration.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for Minor Variance.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 does apply to the subject site. A permit from the LSRCA will be required prior to any development taking place;
3. Matters pertaining to the floodplain may be addressed through subsequent required permit submissions.

Please inform this office of any decision made by the Town of Innisfil with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,



Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)