

# **Summary of Comments**

A-034-2022 - 40 Victoria Street East



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-034-2022  
**MEETING DATE:** May 19, 2022  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Vanessa Witt, MCIP, RPP  
Senior Planner  
**SUBJECT:** Minor variance application A-034-2022 seeking relief from Section 3.3 b) of the Zoning By-Law to construct a detached accessory structure with a gross floor area of 78 m<sup>2</sup>.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	40 Victoria Street East
<b>Legal Description</b>	PLAN 99 PT BLK B
<b>Official Plan</b>	Residential Low Density One (Schedule B2)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-034-2022, subject to the following conditions:

### CONDITIONS:

- 1.) That the variance applies exclusively to the accessory structure as shown substantially in conformity to the drawings submitted with this application.
- 2.) That the existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. A tree preservation/planting plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, and location of new trees and tree protection measures during construction.

### REASON FOR APPLICATION:

The applicant is proposing to construct a detached accessory structure with a gross floor area of 78m<sup>2</sup>. The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which require the gross floor area or footprint of an accessory building or structure to not exceed 50m<sup>2</sup>.

Application Number	By-law Section	Requirement	Proposed	Difference
A-034-2022	3.3 b)	50m <sup>2</sup>	78m <sup>2</sup>	28m <sup>2</sup>

**SURROUNDING LANDS:**

<b>North</b>	Vacant land, zoned Future Development (FD)
<b>East</b>	TransCanada pipeline compressor station, agricultural lands
<b>South</b>	Victoria Street East, single detached dwellings
<b>West</b>	Single detached dwelling (38 Victoria Street East)

**ANALYSIS:**

<b>Site Inspection Date</b>	May 12, 2022
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject property is designated Residential Low Density 1 on Schedule B2 in the Town’s Official Plan. Section 10.2.2 permits single detached dwellings and accessory structures on the subject property. The property currently contains a single detached dwelling, swimming pool, deck, cabana, and pool house.</p> <p>Section 15.1.6 of the Official Plan states a tree protection plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot. As such, as a condition of approval, Staff require a tree preservation and planting plan be submitted to the satisfaction of the Town.</p> <p>Given the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject property is zoned Residential 1 (R1) Zone in Town’s Zoning By-law No. 080-13, which allows a maximum 50m<sup>2</sup> detached accessory structure. The application proposes a gross floor area of 78m<sup>2</sup> (28m<sup>2</sup> difference).</p> <p>The purpose and intent of 3.3 b) of the Zoning By-law with respect to a maximum footprint of 50m<sup>2</sup> is to reduce visual bulk and massing of accessory structures on the property, to ensure the main structure on the subject property, in terms of scale and land use, is the principal dwelling, allowing for sufficient amenity space, and assisting in the regulation of lot coverage in terms of potential drainage/run-off.</p> <p>The proposal is within the maximum permitted lot coverage of 35% for the Residential 1 (R1) Zone and is also within the permitted 10% lot coverage specifically for accessory structures (and a maximum of 20% for accessory structures including a swimming pool). As such, the applicant would be able to develop multiple accessory structures while still complying with the lot coverage provisions. Additionally, a considerable amount of amenity space is still being provided.</p> <p>Considering a building permit, including a grading plan, will be required for the proposed accessory structure, Staff have no concerns with grading or drainage.</p> <p>Staff also note Section 3.3 g) of the Zoning By-law states that accessory structures cannot exceed the height of the principal use (i.e., dwelling), which relates to the regulation of hierarchy of structures on a property and visual bulk and massing. The proposed structure</p>

	<p>does not exceed the height of the dwelling. The existing dwelling is larger in both area and height than the proposed accessory structure, maintaining the dwelling as the principal building and use on the property. Additionally, the proposed accessory structure complies with all other provisions in the Zoning By-law, including height and lot coverage.</p> <p>The accessory structure is proposed to be in the rear yard where the dwelling and existing mature trees would assist in screening the accessory structure from view from Victoria Street East. Staff have also requested a tree preservation and planting plan as a condition of approval to assist with vegetative screening to neighbouring properties.</p> <p>The applicant has chosen a location on the property that would have the least impacts to neighbouring properties since there is vacant future development lands to the north and a TransCanada pipeline compressor station and agricultural lands to the east.</p> <p>Considering the above, Staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed conditions.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The applicant seeks to establish a design for the rear yard that is enjoyable and desirable for a residential lot by having one larger accessory structure (2-car garage) rather than multiple smaller structures that comply with the Zoning By-law.</p> <p>Given the location of the proposed accessory structure in the rear yard, limited impacts to neighbouring properties, adequate setbacks from property lines, and compliance with all other zoning provisions, Staff consider the variance desirable and appropriate for the use of the land, subject to the proposed conditions.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>Staff are of the opinion the variance could be considered minor, subject to conditions, due to the size of the lot, proposed location of the accessory structure on the property, visual screening, and the accessory structure meeting all other provisions of the Zoning By-law.</p>

**PREPARED BY:**

Vanessa Witt, MCIP, RPP  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** May 12, 2022

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

**FILE/APPLICATION:** A-034-2022

**SUBJECT:** 40 Victoria St. E.

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**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. All structures over 50m<sup>2</sup> will require a scoped lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the Community Development Standards Branch (Building Department).

**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. The applicant/owner shall provide a site plan with proposed building and septic footprint that meets all Ontario Building Code required clearances to neighbouring wells and on-site sewage systems, to the satisfaction of Community Development Standards Branch (Building Department).