

Summary of Comments
A-037, 038, 039 & 040-2022
45 Marine Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-037-2022, A-038-2022, A-039-2022, & A-040-2022,
RELATED APPLICATION(S): N/A
MEETING DATE: May 19, 2022
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Chris Cannon, Placemaker/Planner
SUBJECT: Minor variance applications A-037-2022 – A-040-2022 seeking relief from Sections 3.3 b), 3.3 d), 3.3 f) and 3.18 g) of the Zoning By-law, to permit a detached garage with a gross floor area of 111m², closer to the front lot line than the main building, with a height of 5.82m and a second driveway.

PROPERTY INFORMATION:

Municipal Address	45 Marine Drive
Legal Description	Plan M211, Lot 11
Official Plan	Hamlet Residential
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-037-2022, A-038-2022, A-039-2022, and A-040-2022, subject to the following condition(s).

CONDITION:

1. That the variance only apply to the submitted drawings and that any future development of the lands be subject to Planning Act regulations;
2. That the applicant provide vegetation screening on the eastern property boundary adjacent to the proposed garage.

COMMENT(S):

N/A

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage (accessory structure) with a ground floor area of 111.02m², closer to the front lot line than the dwelling, with a height of 5.82m, and a second driveway. The applicant is seeking relief from:

- Section 3.3 b) of the Zoning By-law which requires a maximum floor area of 50m²;
- Section 3.3 d) which prohibits detached accessory structures closer to the front lot than the main dwelling;
- Section 3.3 f) which restricts the maximum height of detached accessory structures to 5m;
- Section 3.18 g) which restricts residentially zoned lots within a settlement area to one driveway.

SURROUNDING LANDS:

North	Canal
East	Single detached dwelling and accessory structures
South	Single detached dwelling and accessory structures
West	Single detached dwelling and accessory structures

ANALYSIS:

Site Inspection Date	May 5, 2022
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Hamlet Residential. Accessory uses, buildings and structures are permitted within this designation.</p> <p>No vegetation removal is being proposed to accommodate the detached garage. The proposed detached garage is located on the eastern portion of the property of this larger lot which is currently vacant.</p> <p>The proposed variance meets the purpose and intent of the Official Plan.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The area to which to proposed detached garage is within the Residential 1 (R1) Zone. The proposed variance would provide for an detached garage with a ground floor area of 111.02m², as opposed to the required maximum of 50m². The lot is of sufficient size to accommodate the increased floor area minimum and does not require vegetation removal. The proposal would not impede on the neighbouring land uses. Staff are of the opinion that a variance to permit the detached garage with an increased floor area meets the intent of the Zoning By-law.</p>
The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The proposed detached garage is located on the east side of the property in the side yard and has a significant separation distance from any neighbouring structures. The variance is required due to the requirement of the maximum floor area, location closer to the front lot line than the main dwelling, minor increase in height and a second driveway. The increase in the floor area, location closer to the front lot line than the main dwelling and second driveway is compatible with the surrounding uses. It is Staff's opinion that the proposed detached garage is desirable for the appropriate/orderly development and use.</p>
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Staff are of the opinion that the requested variances to permit the increase in the maximum floor area (111.02m²), detached accessory structure closer to the front lot line than the main dwelling, minor increase in height (0.82m) and second driveway for the proposed detached garage is minor in nature due to the scale and dimensions</p>

	of the lot and the fact that the uses adjacent to the proposed garage has a significant setback from neighbouring structures.
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PREPARED BY:

Chris Cannon, Placemaker/Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: May 13, 2022

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

FILE/APPLICATION: A-037, 038, 039, 040-2022

SUBJECT: 45 Marine Dr.

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 50m² 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 existing well 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).



Sent via e-mail: thaghshenas@innisfil.ca

May 13, 2022

Municipal File No.: A-037-2022
LSRCA File No.: VA-134621

Toomaj Haghshenas
Senior Development Coordinator
Secretary Treasurer of Committee of Adjustment
Town of Innisfil
2101 Innisfil Beach Rd.,
Innisfil, ON
L9S 1A1

Dear Mr. Haghshenas:

Re: **Applications for Minor Variance**
45 Marine Dr
Town of Innisfil
Owner: Carlos Bellotti

LSRCA staff have reviewed the above-noted application for Minor Variances. The proponents are seeking relief from the following in order to facilitate development of a detached garage with loft and second driveway:

- 1) Section 3.3(b) which states an accessory structure cannot exceed 50 square meters (proposal is for 111 square metres).
- 2) Section 3.3(d) which states an accessory structure cannot be located closer to the lot line than principal dwelling.
- 3) Section 3.3(f) which states an accessory structure cannot have a height greater than 5 meters.
- 4) Section 3.18.1(g) which only allows for one driveway for every residentially zoned lot.

Documents Received and Reviewed by Staff

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

- Application Package
- Site topographic survey (dated July 11th, 2019)
- Site plan and drawings including proposed grading/drainage

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement

(PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06. LSRCA has also provided comments as per our MOU with our member municipalities representing matters pertaining to watershed planning, natural heritage and stormwater management. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies.

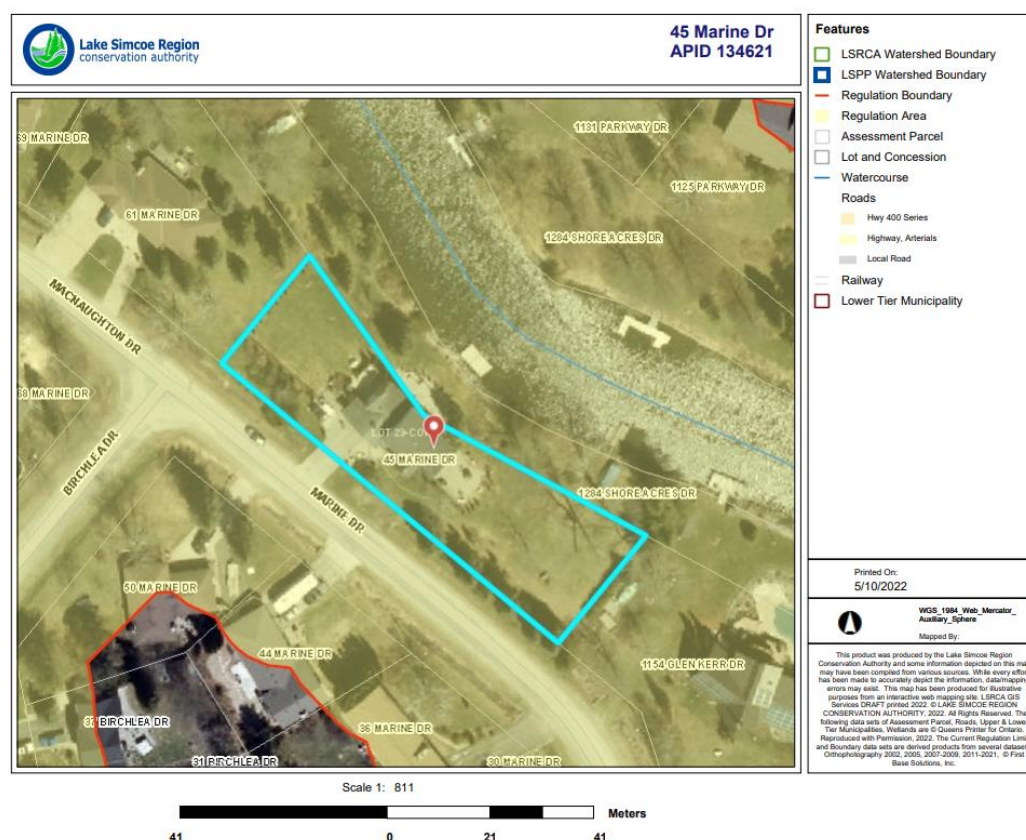
Recommendation

Based on our review of the submitted information in support of the application, it is determined that the proposal is not consistent with the policies of the Provincial Policy Statement (PPS). On this basis, we recommend deferral of this application until consistency with the PPS has been demonstrated.

Site Characteristics

Existing mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06 for the following:
 - Erosion hazards (meanderbelt) of White Birch Creek
 - Regional storm floodplain of White Birch Creek
 - Shoreline flooding and erosion hazards



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 3.1 of the Provincial Policy Statement (PPS). Consistency with 3.1 of the PPS has not been demonstrated.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. 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 will 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. An LSRCA permit is required, however, planning approvals and consistency with the PPS should be achieved/demonstrated first.

Advisory Comments

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil to provide plan review services related to watershed planning, natural heritage, stormwater management and hydrogeology through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Provincial Policy Statement, 2020

Section 3.1 of the PPS provides policies relating to natural hazards. Specifically, section 3.1.2 states: *"Development and site alteration shall not be permitted within ... d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."*

The "floodway" is defined as the entire contiguous floodplain, where the one-zone flood concept is applied.

The current proposal would locate the new building within the "floodway" and therefore, not consistent with the previously noted policy.

Lake Simcoe Protection Plan, 2009

6.33-DP of the LSPP provides policy relating to development or site alteration in settlement areas within proximity to lakes, streams, wetlands, etc. Specifically 6.33-DP states: *"An application for development or site alteration shall, where applicable: ... b) include landscaping and habitat restoration that increase the ability of native plants and animals to use valleylands or riparian areas as wildlife habitat and movement corridors; and c) seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes and wetlands."*

Due to the proximity to White Birch Creek which then flows through a marina and empties into Lake Simcoe, should the applicant continue to pursue this application, it is advised that a planting plan be prepared for the riparian areas in order to be in conformity with the policy noted above, this would be a condition of approval and would also be a requirement of a permit under the Conservation Authorities Act.

Summary

Based on our review of the submitted information in support of the application, it is determined that the proposal is not consistent with the policies of the Provincial Policy Statement (PPS). On this basis, we recommend deferral of this application until consistency with the PPS has been demonstrated.

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

1. Consistency with Section 3.1 of the PPS has not been demonstrated;
2. Ontario Regulation 179/06 does apply to the subject site. A permit from LSRCA will be required prior to any development taking place; and
3. If the applicant is able to demonstrate consistency with 3.1 of the PPS, a planting plan for the riparian area will also be required.

The LSRCA review fee for this application is currently outstanding. The Owner shall provide payment of \$525.00 to the LSRCA as per our approved Fee Schedule for review of this and Minor Variance Application. Should further technical review be required for this application, a fee for a Major Minor Variance Application would apply (\$2038.00).

Please inform this office of any decision made by the municipality 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 (e.dias@lsrca.on.ca).

Sincerely,



Emma Dias
Junior Planning and Natural Heritage Analyst