

Summary of Comments

A-057& A-058-2022 –

1259 Gilford Road



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-057-2022 & A-058-2022
MEETING DATE: September 15, 2022
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance applications seeking relief from Section 3.3 b) of the Zoning By-Law to increase the maximum gross floor area and footprint of a detached garage from 50m² to 130.07m² and seeking relief from Section 3.3 f) to increase the maximum height of a detached garage from 5 metres to 5.05 metres on the subject property.

PROPERTY INFORMATION:

Municipal Address	1259 Gilford Road
Legal Description	CON 14 N PT LOT 22 RP 51R10390 PART 1
Official Plan	Hamlet Residential; Key Natural Heritage Features and Key Hydrologic Features (Schedule B10)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-057-2022 & A-058-2022, subject to the following conditions:

CONDITIONS:

- 1.) That the variances only apply to the submitted drawings and that any future development of the lands be subject to Planning Act regulations.
- 2.) That the existing boundary trees be protected and maintained to the satisfaction of the Town. A tree protection plan shall be prepared to the satisfaction of the Town, for tree protection measures during construction.
- 3.) That the recommendations in the Natural Heritage Evaluation, and any LSRCA conditions, are met prior to any site alteration or construction taking place on the subject property.

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage (accessory structure) with an increased GFA of 130.07m² and with an increased height of 5.05 metres. The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which requires a maximum gross floor area or footprint of 50m²; and seeking relief from Section 3.3 f) which requires accessory structure shall not exceed the height of 5 metres.

Application Number	By-law Section	Requirement	Proposed	Difference
A-057-2022	3.3 b)	Maximum GFA and footprint 50m ²	130.07m ²	80.07m ²
A-058-2022	3.3 f)	Height cannot exceed principal dwelling height or 5m, whichever is the lesser	5.05 metres	0.05 metres

SURROUNDING LANDS:

North	Gilford Road and single detached dwellings (1258 & 1268 Gilford Road)
East	Single detached dwelling (1247 Gilford Road)
South	Agricultural lands, Key Natural Heritage Features and Key Hydrologic Features Designation
West	Agricultural lands, Key Natural Heritage Features and Key Hydrologic Features Designation

ANALYSIS:

Site Inspection Date	August 24, 2022
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Hamlet Residential and Key Natural Heritage Features and Key Hydrologic Features on Schedule B10 to the Town's Official Plan. Accessory uses, buildings and structures are permitted within Hamlet Residential designation. The subject property is within the Natural Heritage System (NHS).</p> <p>The proposed detached garage is located on the western portion of the property of this large lot. It appears there is a watercourse to the south of the subject property and woodlands and unevaluated wetlands to the west and south. The subject property is partially within an Environmentally Significant Groundwater Recharge Area and is partially within a Significant Groundwater Recharge Area. Also, a portion of the subject property is regulated by the Lake Simcoe Region Conservation Authority (LSRCA). In accordance with Section 17.1.8 of the town Official Plan, new development (which includes building or structures requiring approval under the Planning Act such as a variance) is required to demonstrate the list of criteria through a Natural Heritage Evaluation (NHE). The applicant has submitted a NHE in support of the proposed development that has been peer reviewed by the LSRCA.</p> <p>Section 15.1.6 of the Official Plan states a tree protection plan shall be</p>

	<p>required as part of development applications that identifies, preserves, and compensates trees on the lot. Considering the proposed development being in the proximity of the boundary trees to the west, Staff require a tree protection plan be submitted to the satisfaction of the Town as a condition of approval. Tree Protection Fencing along the western property line is recommended to protect trees from being injured during construction.</p> <p>The NHE notes the proposed construction location would be acceptable from a natural heritage perspective when considered in the scope of the currently existing development and property use. The NHE also states the proposed activity would not result in any direct impacts to the natural heritage areas.</p> <p>Given the above, Staff are of the opinion both variances maintain the general purpose and intent of the Official Plan, subject to the proposed conditions.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject property is zoned Residential 1 (R1) Zone in the Town's Zoning By-law No. 080-13, which allows a maximum 50m² detached accessory structure. The applicant proposes a gross floor area and footprint of 130.07m² (80.07m² difference).</p> <p>The purpose and intent of 3.3 b) of the Zoning By-law with respect to a maximum gross floor area or footprint of 50m² 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). The lot is of sufficient size to accommodate the increased floor area. As such, the applicant would be able to develop multiple accessory structures while still complying with the lot coverage provisions.</p> <p>Staff also note Section 3.3 f) of the Zoning By-law requires that accessory structures cannot exceed the height of the principal building on the lot or 5.0 metres, whichever is the lesser, which relates to the regulation of hierarchy of structures on a property and visual bulk and massing. The applicant proposes a structure of 5.05 metres, which exceeds 5 metres (0.05m difference). The existing dwelling is larger in area 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 lot coverage, maximum interior width, and all yard setbacks.</p>

	Considering the above, Staff are of the opinion both variances are in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed conditions.
The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed detached garage is located on the west side of the property in the side yard and has a significant separation distance from any neighbouring structures. Further, the proposed garage takes advantage of an existing second driveway (Entrance Permit No. E2013-0002) and would have the least impacts to neighbouring properties since there are agricultural lands to the west. The variances are required due to the requirements of the maximum gross floor area and minor increase in height. The increases in the gross floor area and height are compatible with the surrounding uses. It is Staff's opinion that the proposed detached garage is desirable for the appropriate/orderly development and use.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Staff are of the opinion both variances could be considered minor, subject to conditions, due to the size of the lot, proposed location of the accessory structure on the property, having limited impacts to neighbouring properties, and the accessory structure meeting all other provisions of the Zoning By-law.

PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 8, 2022

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

FILE/APPLICATION: A-057 & 058-2022

SUBJECT: 1259 Gilford Rd

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 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 septic footprint that meets all Ontario Building Code required clearances to wells, to the satisfaction of Community Development Standards Branch (Building Department).



Sent via e-mail: thaghshenas@innisfil.ca

September 12, 2022

Municipal File Nos.: A-057-2022 & A-058-2022
LSRCA File No.: VA-403506

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: **Application for Minor Variances**
1259 Gilford Rd
Town of Innisfil
Owner: Devin Killoran

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 proponents are proposing to construct a 130.1 square metre detached garage and are seeking relief from Section 3.3 b) and f) of the Town of Innisfil Zoning By-law 080-13, as amended.

Documents Received and Reviewed by Staff

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

- Minor Variance Application
- Site Plan and Drawings (dated June 2022)
- Natural Heritage Evaluation prepared by Birks NHC (dated August 10th, 2022)

It is noted that a LSRCA permit was issued for the proposed detached garage on July 13th, 2022.

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. 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* in accordance with the review roles and responsibilities agreed to between the Towns of New Tecumseth and Bradford West Gwillimbury and LSRCA.

Recommendation

Based on our review from a natural hazards, natural heritage, and watershed management perspective, we confirm that LSRCA has no objection to the proposed variances subject to the following condition:

- That confirmation is provided to the LSRCA that all requirements set out by the MECP under the Endangered Species Act have been met prior to any site alteration or construction taking place on the subject lands.

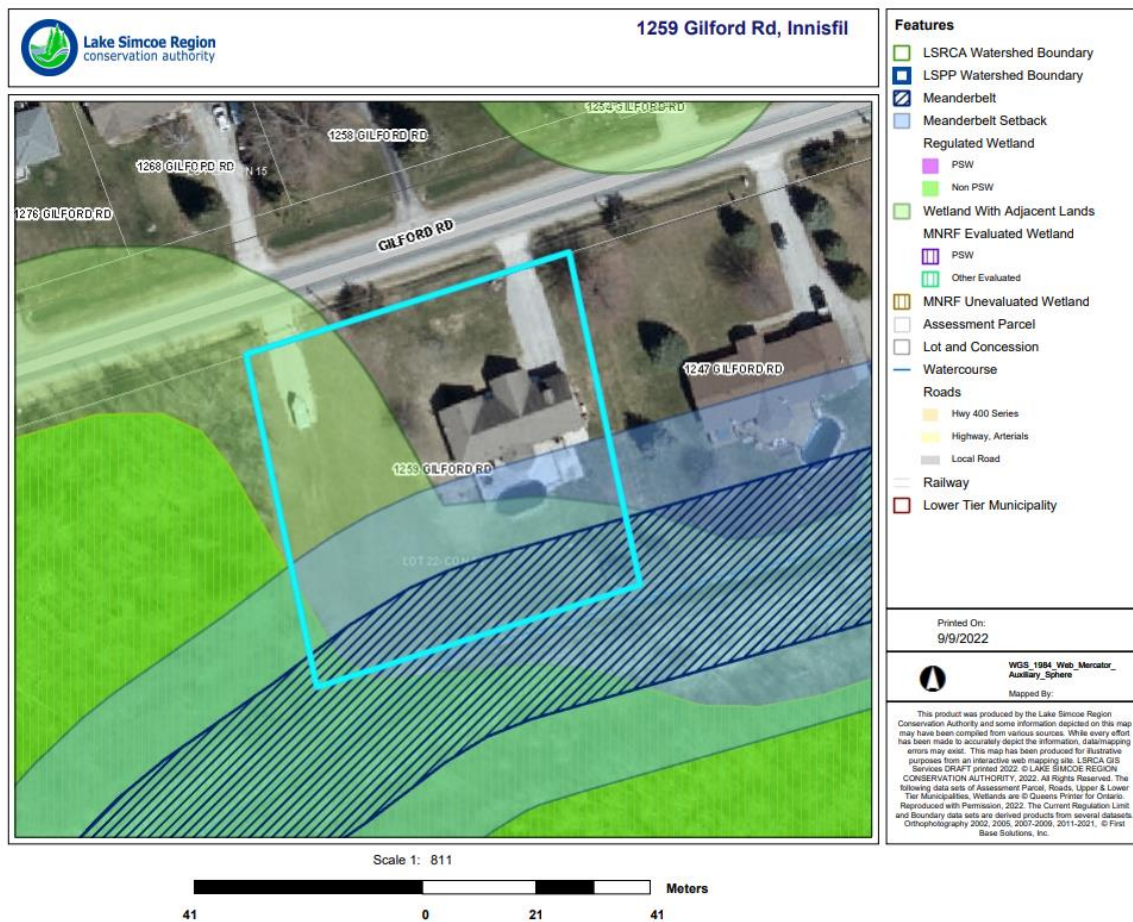
Site Characteristics

The subject property is designated as “Hamlet Residential” and “Key Natural Heritage Features and Key Hydrologic Features” as per Schedule B10 of the Town of Innisfil Official Plan and is located within the Gilford settlement area. The property is zoned “Residential 1 Zone” (R1) as per the Town’s Zoning By-law 080-13, as amended.

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for the following:
 - Erosion hazards (meanderbelt) of Gilford Creek
 - Unevaluated wetland and the associated 30m adjacent lands

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). There are identified natural hazards on the subject lands (erosion hazard area). The proposal is consistent with 3.1 of the PPS as the development is located outside of the erosion hazard.
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 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. There are regulated elements on this site. A LSRCA permit has already been obtained for

the proposed addition. Should further development or site alteration be proposed in the regulated portion of the property in the future, a permit from the LSRCA would be required.

Summary

Based on our review from a natural hazards, natural heritage, and watershed management perspective, we confirm that LSRCA has no objection to the proposed variances subject to the following condition:

- That confirmation is provided to the LSRCA that all requirements set out by the MECP under the Endangered Species Act have been met prior to any site alteration or construction taking place on the subject lands.

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

1. Consistency with Section 3.1 of the PPS has been demonstrated; and
2. Ontario Regulation 179/06 does apply to the subject site. A permit from the LSRCA for the proposed detached garage requiring minor variances has already been obtained.

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