

Summary of Comments

A-074-2022– 971 Ferrier Avenue



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-074-2022
MEETING DATE: November 17, 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 footprint of a detached garage from 50m² to 89.2m² on the subject property.

PROPERTY INFORMATION:

Municipal Address	971 Ferrier Avenue
Legal Description	PLAN M15 LOT 1 PT LOT 2
Official Plan	Residential Low Density 1; Key Natural Heritage Features and Key Hydrologic Features (Schedule B3)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-074-2022, 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 the Zoning By-law.
- 2.) That the applicant provides a detailed planting plan for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features to the satisfaction of the Town and LSRCA .
- 3.) That all 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 new detached garage with an increased footprint of 89.2m² to replace the demolished detached garage. The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which requires a maximum footprint of 50m².

Application Number	By-law Section	Requirement	Proposed	Difference
A-074-2022	3.3 b)	Maximum footprint 50m ²	89.2m ²	39.2m ²

SURROUNDING LANDS:

North	Woodlands, Key Natural Heritage Features and Key Hydrologic Features designation
East	Agricultural lands and woodlands, Key Natural Heritage Features and Key Hydrologic Features designation
South	Low density residential lands (vacant)
West	Ferrier Avenue, single detached dwelling (972 Ferrier Avenue)

ANALYSIS:

Site Inspection Date	November 1, 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 Residential Low Density 1 and Key Natural Heritage Features and Key Hydrologic Features on Schedule B3 to the Town's Official Plan. Accessory uses, buildings and structures are permitted within Residential Low Density 1 designation.</p> <p>The applicant has demolished the existing detached garage with a valid building permit. The applicant is proposing to enlarge the existing footprint and construct a new detached garage on the eastern portion of the property. There is a watercourse to the north of the subject property and woodlands to the north and east. The subject property is entirely regulated by the Lake Simcoe Region Conservation Authority (LSRCA). In accordance with Section 17.1.13 of the town Official Plan, land designated Key Natural Heritage Features and Key Hydrologic Features within settlement areas is required to demonstrate through a Natural Heritage Evaluation (NHE) that there will be no negative impacts on the natural features or their ecological functions. The LSRCA has evaluated the proposed development and confirmed that LSRCA has no objection to the proposed consent. The LSRCA has stated in their correspondence dated November 4, 2022 they may accept a detailed planting plan in lieu of a scoped NHE. As a condition of approval, the planting plan is to be reviewed by the LSRCA to their (and the Town's) satisfaction.</p> <p>Given the above, Staff are of the opinion the variance maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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 footprint of 89.2m² (39.2m² difference).</p> <p>The purpose and intent of 3.3 b) of the Zoning By-law with respect to a maximum footprint of 50m² is to reduce visual bulk and massing of accessory structures on the property, to ensure the main structure on</p>

	<p>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. The lot is of sufficient size to accommodate the increased footprint. As such, the applicant would be able to develop the accessory structure while still complying with the lot coverage provision.</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>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>The proposed detached garage is located on the east side of the property in the rear yard and is screened by mature trees from any neighbouring structures. Further, the proposed garage takes advantage of and enlarge the existing footprint of the demolished detached garage and would have the least impacts to neighbouring properties since there are woodlands and agricultural lands to the east. The variance is required due to the requirements of the maximum footprint. The increase in the footprint 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>
<p>The variance is minor in nature: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>Staff are of the opinion the variance could be considered minor, subject to conditions, due to the 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.</p>

PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: November 9, 2022

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

FILE/APPLICATION: A-074-2022

SUBJECT: 971 Ferrier 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. The applicant/owner shall obtain a demolition permit for the existing accessory structures and complete the final inspection prior to issuance of the building permit, to the satisfaction of Community Development Standards Branch (Building Department).
2. 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. No comments.



Sent via e-mail: thaghshenas@innisfil.ca

November 4, 2022

Municipal File No.: A-074-2022
LSRCA File No.: VA-130273

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 Variance**
971 Ferrier Ave
Town of Innisfil
Owner: Gus Karvouniaris

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 proponent is proposing to demolish an existing garage and reconstruct a 24'x40' garage with a total area of 960 square feet (89.2 square metres). The proponent is seeking relief from section 3.3b) of the Town of Innisfil Zoning By-law 080-13, as amended, which states that the footprint of an accessory building shall not exceed 50 square metres in any residential zone, whereas the proponent is proposing an accessory building with a footprint of 89.2 square metres.

Documents Received and Reviewed by Staff

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

- Site Plan (dated September 2nd, 2022)

It is noted that an LSRCA permit was issued for the proposed garage on September 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.

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 consent subject to the following conditions:

- That a detailed planting plan for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features be prepared and completed to the satisfaction of the LSRCA; and
- That the LSRCA review fee (\$525.00) for the Minor Variance application be paid.

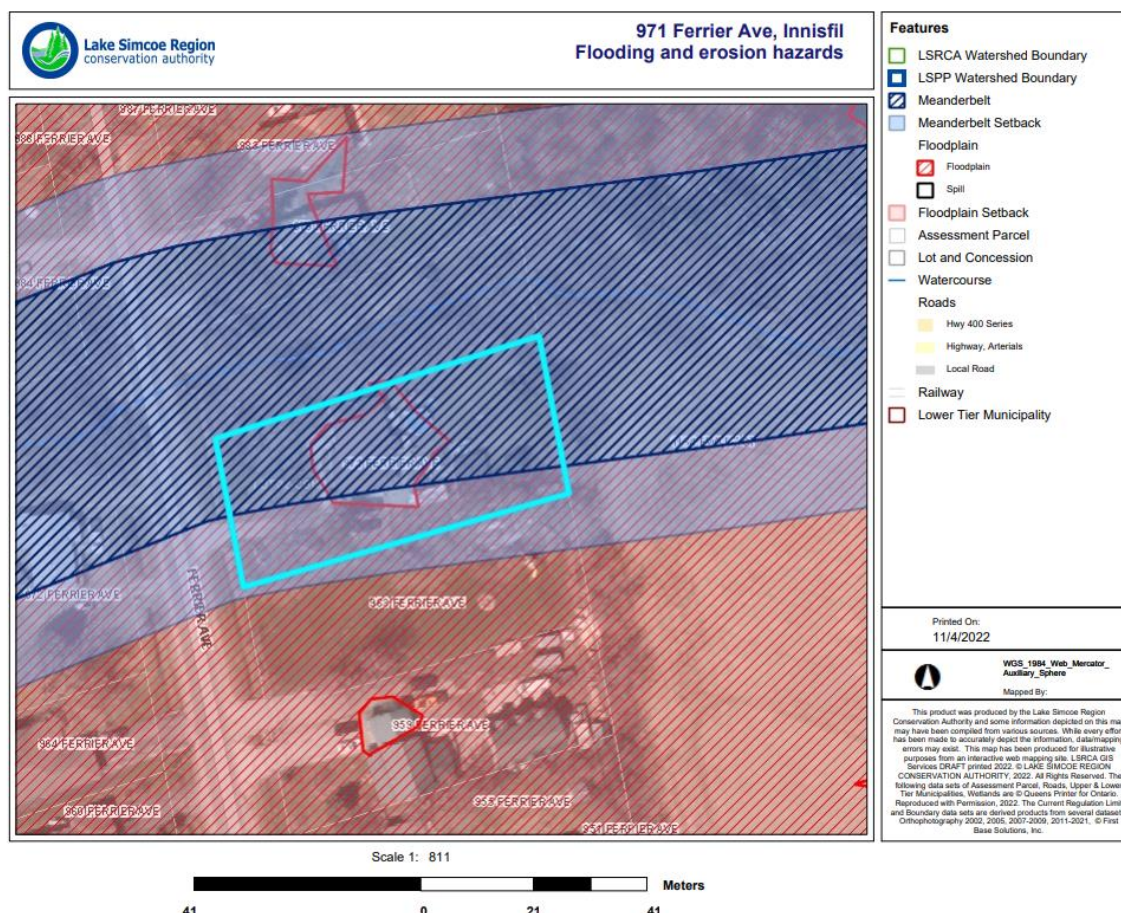
Site Characteristics

The subject property is located within the settlement area of Lefroy – Belle Ewart and is designated as “Key Natural Heritage Features and Key Hydrologic Features” (KNHF & KHF) and “Residential Low Density 1” as per Schedule B3 of the Town of Innisfil Official Plan. 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 entirely regulated by the LSRCA under Ontario Regulation 179/06 for the following:
 - Meanderbelt erosion hazards of Carson Creek
 - Floodplain
- The subject property contains an identified woodland natural heritage feature

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 (flooding and erosion hazards associated with Carson Creek). The proposal is consistent with 3.1 of the PPS as the new garage is to replace an existing garage and there will be no increase in dwelling units as a result of the development.
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. An LSRCA permit has already been obtained

for the proposed garage. Should further development or site alteration be proposed on the property in the future, a permit from the LSRCA would be required.

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*.

Town of Innisfil Official Plan 'Our Place', 2018

As per schedule B3 in the Town of Innisfil Official Plan (OP), a majority of the property is designated as "Key Natural Heritage Features and Key Hydrologic Features" (KNHF & KHF). As per applicable policies in section 17 of the OP, development and site alteration within lands designated as KNHF & KHF and adjacent to lands designated as KNHF & KHF require a Natural Heritage Evaluation (NHE) to demonstrate that there will be no negative impacts on the natural features or their ecological functions.

Given that the area of proposed development is within an existing disturbed area (manicured lawn) and will be approximately 17 metres from the natural heritage feature to the north, LSRCA staff may accept a detailed planting plan in lieu of a Scoped Natural Heritage Evaluation/Environmental Impact Study. Details are provided below for planting plan guidelines.

Lake Simcoe Protection Plan (LSPP), 2009

As per settlement area designated policy 6.33 of the LSPP, "*An application for development or site alteration shall, where applicable:*

- a. increase or improve fish habitat in streams, lakes and wetlands, and any adjacent riparian areas;*
- 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;*
- 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; and..."*

A planting plan would demonstrate conformity with the policy mentioned above.

The landowner is to prepare a planting plan to mitigate any potential negative impacts from the proposed development and achieve a net ecological gain to the ecological features at this site. The plantings should be targeted to areas directly adjacent to existing natural areas (i.e. woodland and watercourse) and the proposed development. Please ensure all plantings are native and provide details on the plantings including location of plantings, common and scientific name, size, quantity and condition of plantings (e.g. container grown, potted, burlap, etc.).

For general guidelines for preparing the planting plan, LSRCA suggests using "CH Guidelines for Landscaping and Rehabilitation Plans, June 2021" which can be found on Conservation Halton website and this link: <https://www.conservationhalton.ca/policies-and-guidelines>.

Due to the nature of the site and the proposal, the LSRCA recommends minimal plantings along the north property line adjacent to the proposed development area. Please contact the LSRCA for further clarification on requirements of the planting plan.

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 consent subject to the following conditions:

- That a detailed planting plan for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features be prepared and completed to the satisfaction of the LSRCA; and
- That the LSRCA review fee (\$525.00) for the Minor Variance application be paid.

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 LSRCA for the proposed garage 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