

**Summary of Comments**  
A-070-2022 –  
1163 Belle Aire Beach Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-070-2022

**MEETING DATE:** December 8, 2022

**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment

**FROM:** Darren Ding  
Planner/Placemaker

**SUBJECT:** Minor variance application seeking relief from Section 3.18.1(e) of the Zoning By-Law to seek relief from the maximum garage projection of 1 metre beyond the main front wall of the principal building.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	1163 Belle Aire Beach Road
<b>Legal Description</b>	INNISFIL CON 4 PLAN 759 PT BLK A RP 51R40813 PART 1
<b>Official Plan</b>	Residential Low Density One (Schedule B3)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-070-2022, subject to the following conditions:

### CONDITIONS:

- 1.) That the variance applies exclusively to the dwelling as shown substantially in conformity to the drawings submitted with this application.

### REASON FOR APPLICATION:

The applicant is proposing to construct a new single detached dwelling with an attached garage that projects 2.0 metres past the main front wall of the dwelling. Section 3.18.1(e) states on lots with a lot frontage of less than 20.0 metres, a detached or attached garage shall not be permitted to project past the main front wall of the principal building. Where a front porch is provided, the detached or attached garage may project no more than 1.0 metre beyond the main front wall of the principal building.

Application Number	By-law Section	Requirement	Proposed	Difference
A-070-2022	Section 3.18.1(e)	Maximum 1.0 metre garage projection	Projection of 2.0 metres	1.0 metre

**SURROUNDING LANDS:**

<b>North</b>	Belle Aire Beach Road and wooded lands
<b>East</b>	Single detached dwelling and accessory structures (1159 Belle Aire Beach Road)
<b>South</b>	Vacant residential lot (1167 Arnold Street)
<b>West</b>	Single detached dwelling and accessory structures (1167 Belle Aire Beach Road)

**ANALYSIS:**

<b>Site Inspection Date</b>	November 1, 2022
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Residential Low Density One on Schedule B3 in the Town's Official Plan. Section 10.2.2 permits single detached dwellings on the subject property.</p> <p>The subject lands are located within a Settlement Area (Lefroy – Belle Ewart). Section 10.1.40 of the Official Plan states building height, massing and architectural features of infill developments and intensification shall respect and fit in to the context of the local character of the Urban Settlements in which they are located. Section 10.1.41 states that built form of new development shall give consideration to the inclusion of architectural elements that reference the elements and characteristics of the communities within which they are planned.</p> <p>The proposed dwelling respects and represents the character of Lefroy – Belle Ewart and does not stand out from a streetscape perspective. Subject to the condition, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <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 permits single detached dwellings.</p> <p>Section 3.18.1(e) states on lots with a lot frontage of less than 20.0 metres, a detached or attached garage shall not be permitted to project past the main front wall of the principal building. Where a front porch is provided, the detached or attached garage may project no more than 1.0 metre beyond the main front wall of the principal building. The proposed dwelling is seeking relief to permit a garage projection of 2m. The proposed dwelling meets all other regulations in Zoning By-law, including interior width of garage, setbacks, lot coverage and height.</p> <p>The purpose of this provision is to ensure the garage does not dominate the streetscape. The submitted site plan drawing shows the proposed garage is designed in the form of a 3-car tandem layout. This design ensures the proposed garage meets the maximum interior width provision and the garage door does not dominate the streetscape features. The garage also does not project beyond the porch feature, reducing visual impact.</p>

	Considering the above, the proposed dwelling maintains the purpose and intent of the Zoning By-law, subject to the condition.
<b>The variance is desirable for the appropriate/orderly development or use of the land:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The proposed dwelling is not considered to be out of character with the surrounding neighbourhood. The garage would still be in line with the required 8.0 metres front yard setback. The variance is simply for allowing a projection beyond the front face. As stated, the garage does not project beyond the porch feature, further reducing the visual impact of the projection. Additionally, all other provisions of the Zoning By-law are met, including interior width of garage, setbacks, lot coverage and height.</p> <p>Considering the above, the variance is desirable for the appropriate and orderly development of the land.</p>
<b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The variance is considered minor in nature, given the above mentioned context. The proposed dwelling and relief sought with the variance add to the character of the structure and would fit in with the surrounding neighbourhood.</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 28, 2022

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

**FILE/APPLICATION:** A-070-2022

**SUBJECT:** 1163 Belle Aire Beach Road

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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. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of 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

December 1, 2022

Municipal File No.: A-070-2022  
LSRCA File No.: VA-472178

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  
1163 Belle Aire Beach Rd  
Town of Innisfil  
Owner: David Simone  
Agent: Paul Simone

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 construct a new single-family dwelling with an attached garage. The proponent is seeking relief from section 3.18.1 e) of the Town of Innisfil Zoning By-law 080-13, as amended, which states that the attached garage shall not extend further than 1 metre beyond the main front wall of the principal building, whereas the proponent is proposing that the attached garage extend 2 metres from the front of the dwelling.

**Documents Received and Reviewed by Staff**

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

- Minor Variance Application (dated October 6<sup>th</sup>, 2022)
- Lot Grading Plan (prepared by Tatham Engineering dated May 25<sup>th</sup>, 2021)
- Floor Plans (prepared by James Piggott Residential Design Consultant dated March 2022)

*It is noted that an LSRCA permit was issued for the proposed development on December 8<sup>th</sup>, 2021.*

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 condition:

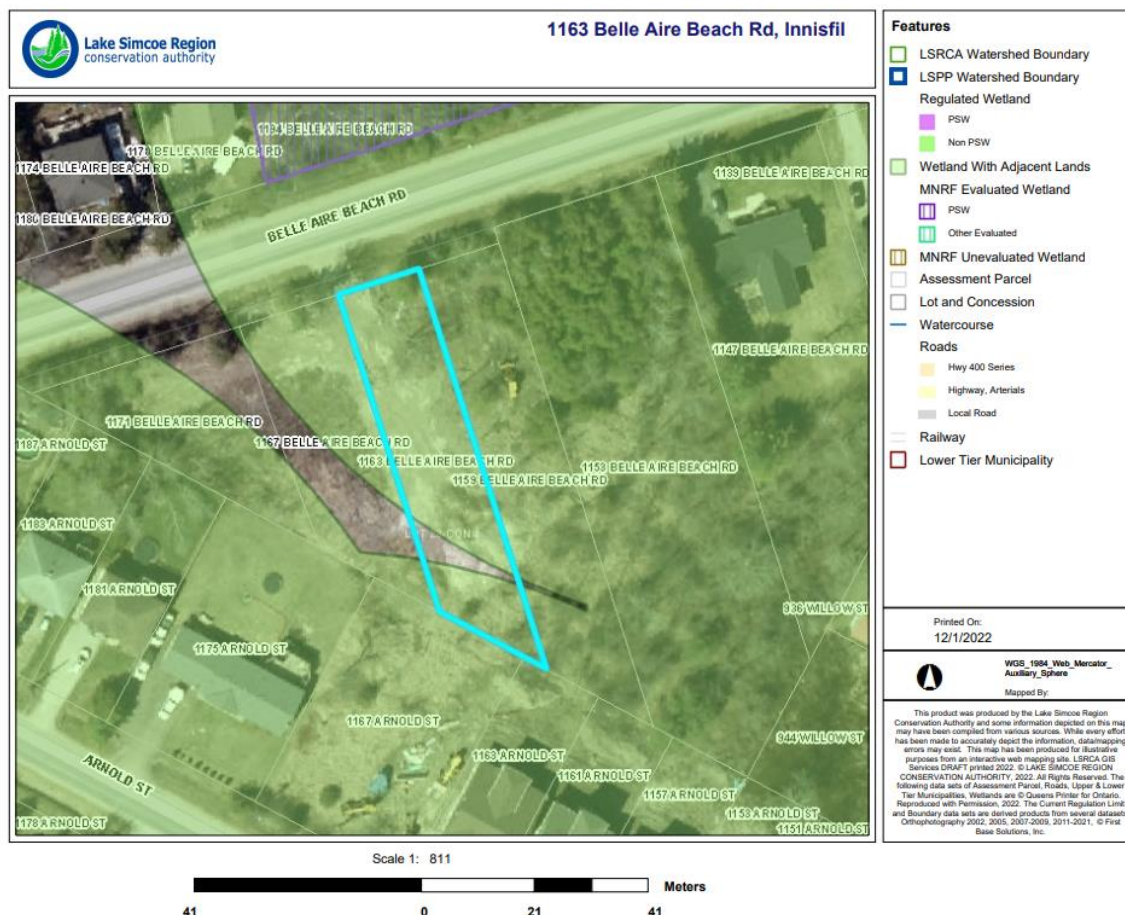
- That the LSRCA review fee (\$525.00) for the Minor Variance application be paid.

### **Site Characteristics**

The subject property is located within the settlement area of Lefroy – Belle Ewart and is designated as “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 partially regulated by the LSRCA under Ontario Regulation 179/06 for the 120 metre lands adjacent to Provincially Significant Wetland (PSW).
- The property contains an identified woodland natural heritage feature (the LSRCA recognizes that a majority of this feature is no longer present on the subject property).



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 not identified natural hazards on the subject lands as such the proposal is consistent with 3.1 of the PPS.
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 single-family dwelling and attached garage. Should further development or site alteration be proposed on 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 consent subject to the following condition:

- 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 the LSRCA for the proposed single-family dwelling and attached garage has already been obtained.

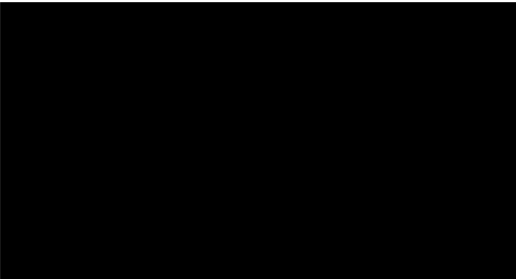
Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Emma Dias', written in a cursive style.

Emma Dias  
Junior Planning and Natural Heritage Analyst



November 29, 2022

Toomaj Hasghshenas  
Senior Developmnt Coordinator  
Secretary Treasurer of Committee of Adjustment  
Town of Innisfil  
2101 Innisfil Beach Road,  
Innisfil ON L9S 1A1

Dear Toomaj,

**RE: A-070-2022-1163 Belle Aire Beach Road**

Please accept this letter as my objection to the application for minor variance on the building of 1163 Belle Aire Beach Road. I have no objection to the building of the new house at 1163 Belle Aire Beach Road, but I do have an object to the two metre extension of the garage at the front of the property causing a minor variance.


With the building of this new structure, I will be already losing full sunlight into three windows on the eastern side of 1167 Belle Aire Beach Road. The extension would further block my large front dining window, restricting even more natural light (figure 4). I did not purchase 1167 Belle Aire Beach Road to have 50% of my sunlight blocked.

If it were to be built within the established set-backs (figure 1), my view from my dining room window would not be obstructed looking eastwardly. So, there's a security concern as well. I will not have a full view of Belle Aire Beach Road to the east.

The proposed house at 1163 Belle Aire Beach Road should follow the already established set-back from the road. There's a clear sight line from 1171 Belle Aire Beach Road to 1159 Belle Aire Beach Road (figure 2). With the proposed minor variance, 1163 Belle Aire Beach Road will be protruding and not esthetically pleasing and thus causing me a further loss of value on 1167 Belle Aire Beach Road.

The clear sight line was previously established over 23 years ago and can be clearly seen in the older properties on Arnold Street (figure 3). Why change it now? 1163 Belle Aire Beach Road has a substantial lot size and can accommodate the two metres easily without a minor variance as it is over 220 feet deep overall. I could understand if it did not have the depth, but the lot size is there.

I would really appreciate your consideration in this matter.



Name has be  
redacted for privacy  
-TH

Attachments 4



**Belle Aire Beach Road (#1159 to #1172)  
Current House Set-Backs from Road**

- Currently 1159, 1167 and 1172 Belle Aire Beach Road are about the same set-back from the road.



Image taken from video taken from drone approximately October 2021.

Figure 1



## **Belle Aire Beach Road (#1159 to #1172)**

### **Current House Set-Backs from Road and Proposed House with Minor Variance**

- Currently 1159, 1167 and 1172 Belle Aire Beach Road are about the same set-back from the road.



Image taken from video taken from drone approximaely October 2021.

Cement Sidewalk/Stairs

House Set-Back from Belle Aire Beach Road

Figure 2



**Arnold Street (#1150 to #1178)**

**Figure 3**

**Current House Set-Backs from Road**

- Currently 1150 to 1178 Arnold Street are about the same set-back from the road.

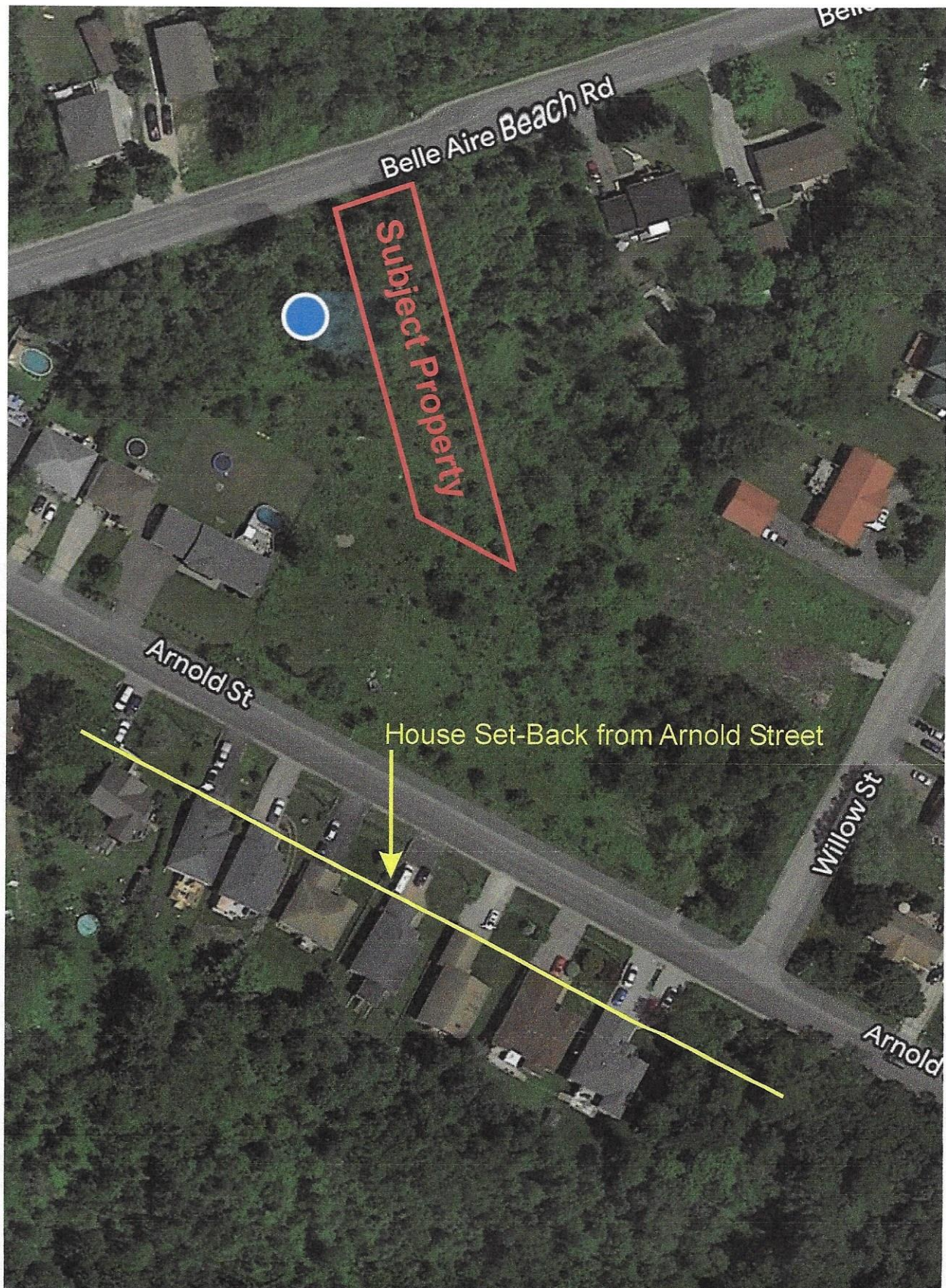


Image taken from [www.google.com](http://www.google.com) (pre-development of 1159 to 1172 Belle Aire Beach Road .



## **Belle Aire Beach Road (#1159 to #1172)**

### **Current House Set-Backs from Road and Proposed House with Minor Variance**

- Currently 1159, 1167 and 1172 Belle Aire Beach Road are about the same set-back from the road.



Front Dining Room Window

- light will be blocked by extension of proposed garage.

Three Side Windows - light will be completely blocked.

This proposed extension will block the little remaining sunlight into 1167 Belle Aire Beach Road. It will also impact it's future resale value and curb appeal. 1163 Belle Aire Beach Road has 223.93 feet in lot length available. It can be built two metres back from the proposed minor variance. There should be no need for a minor variance.

Figure 4





December 4, 2022

Toomaj Hasghshenas  
Senior Development Coordinator  
Secretary Treasurer of Committee of Adjustment  
Town of Innisfil  
2101 Innisfil Beach Road,  
Innisfil ON L9S 1A1

Dear Toomaj,

**RE: A-070-2022-1163 Belle Aire Beach Road**

This is in addition to the objection letter dated November 29, 2022.

It has come to my attention there is another valid reason to object to the Minor Variance Application to extend the garage of 1163 Belle Aire Beach Road two metres towards the street as it interferes with by-law 052-05, which deals with fences. It states, "No person shall erect, construct or maintain a fence in a residential zone or on a property that's principle use is of a residential nature greater than 1.82 metres (6 feet) in height in the Corporation, notwithstanding a fence within 6.1 metres (20 feet) of the front lot line shall be restricted to not more than .9 metres (3 feet). Both of which shall be measured from ground level to the highest point on the fence." Generally, the fencing by-law does not permit you to install a six foot fence past the front of a house towards the street, but if the front of the two neighbouring houses are not in line, then you will have a six foot fence with a 20 foot brick wall at 1163 Belle Aire Beach Road, which will be two metres past the front window of 1167 Belle Aire Beach Road. This is definitely a visual impairment and imposes negative curb appeal and does not fall in line with the character of Lefroy – Belle Ewart and does stand out from the streetscape perspective as the Committee of Adjustment Memorandum states. Would you want to look at a 20 foot brick wall with a six foot fence from the only front window of your home?

The two metre extension would dominate the front of 1167 Belle Aire Beach Road. As per the Committee of Adjustment Memorandum, it states, "the garage also does not project beyond the porch feature, reducing visual impact", but it does reduce the visual impact at 1167 Belle Aire Beach Road. It will impact the easterly view of the street, which is a safety and security issue. The drawings submitted with the Minor Variance Application do not show the impact this imposes on 1167 Belle Aire Beach Road and does not provide full disclosure. They do not depict the proximity to 1167 Belle Aire Beach Road and do not depict the effect this Minor Variance will have on 1167 Belle Aire Beach Road. It is not all about building four walls. Consideration to the effect of how these four walls are built to the neighbouring properties should weigh heavily.

In addition, 1167 Belle Aire Beach Road already had exterior water issues from the sump pump at the north east corner (neighbouring to the west side of 1163 Belle Aire Beach Road) as the grading was poorly done by the Builder in 2021, who is related to 1159 and 1163 Belle Aire Beach Road, and this was all approved by the Town of Innisfil. This should not have happened and should have been corrected prior to final approval and/or occupancy. This extension would cause further harm with the expelling of water especially depending on where the downspout of the garage eavestrough and the discharge spout of the sump pump of 1163 Belle Aire Beach Road would be installed. I do not want any further water issues, especially as a result of poor planning and building. I stress the patience and care in making a proper decision and not one of monetary value.

