

Summary of Comments

A-004-2023 - 731 Pinegrove Avenue



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-004-2023
MEETING DATE: January 19, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance application seeking relief from Section 3.3 b) of the Zoning By-Law to increase the maximum gross floor area (GFA) or footprint of a detached garage from 50m² to 76m² on the subject property.

PROPERTY INFORMATION:

Municipal Address	731 Pinegrove Avenue
Legal Description	PLAN 1036 LOT 52
Official Plan	Residential Low Density 1; Key Natural Heritage Features and Key Hydrologic Features (Schedule B5)
Zoning By-law	Residential 1 (R1) Zone; Environmental Protection (EP) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-004-2023, subject to the following conditions:

CONDITIONS:

- 1.) That the variance only applies to the submitted drawings and that any future development of the lands be subject to Planning Act regulations.
- 2.) That the existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. A detailed tree protection and planting plan shall be prepared to the satisfaction of the LSRCA and 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 garage (accessory structure) with an increased GFA or footprint of 76m². The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which requires a maximum GFA or footprint of 50m².

Application Number	By-law Section	Requirement	Proposed	Difference
A-004-2023	3.3 b)	Maximum GFA or footprint 50m ²	76m ²	26m ²

SURROUNDING LANDS:

North	Pinegrove Avenue; single detached dwelling and accessory structures (732 Pinegrove Avenue); Key Natural Heritage Features and Key Hydrologic Features Designation
East	Single detached dwelling and accessory structures (727 Pinegrove Avenue); Key Natural Heritage Features and Key Hydrologic Features Designation
South	Single detached dwellings and accessory structures (728 & 734 Henderson Drive), Key Natural Heritage Features and Key Hydrologic Features Designation
West	Single detached dwelling and accessory structures (735 Pinegrove Avenue)

ANALYSIS:

Site Inspection Date	January 16, 2023
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 B5 to the Town's Official Plan. Accessory uses, buildings and structures are permitted within Residential Low Density 1 designation.</p> <p>The subject property is within the settlement area of Sandy Cove. The proposed detached garage is located on the southern portion of the property of this large lot. There is a watercourse immediately to the east of the subject property and woodlands in the vicinity of the subject lands southeast. 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. Planning Staff can 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>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 a condition of approval, Staff require a tree protection plan be submitted to the satisfaction of the Town for any trees to be removed or have been removed within the past 5 years.</p> <p>Given the above, Staff are of the opinion that the variance maintains 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) and Environmental Protection (EP) in the Town's Zoning By-law No. 080-13. The proposed detached garage is entirely located within R1 Zone, which allows a maximum 50m² detached accessory structure. The applicant proposes a GFA or footprint of 76m² (26m² difference).</p> <p>The purpose and intent of 3.3 b) of the Zoning By-law with respect to a GFA 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. The lot is of sufficient size to accommodate the increased floor area or footprint. As such, the applicant would be able to develop multiple accessory structures while still complying with the lot coverage provisions.</p> <p>Considering the above, Staff are of the opinion that 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 south side of the property in the rear yard and has a significant separation distance from any neighbouring structures. Further, the proposed garage takes advantage of the existing driveway. The variance is required due to the requirement of the maximum GFA or footprint. Staff note while the structure is near an existing watercourse, the LSRCA has already reviewed and supported the structure through their permitting system and have issued a permit for its construction. The increase in the GFA or 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 that the variance could be considered minor, subject to the proposed 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.</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: January 11, 2023

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

FILE/APPLICATION: A-004-2023

SUBJECT: 731 Pinegrove 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. 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.