

# **Summary of Comments**

A-009 and A-014-2023 -

766 Chestnut St



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-009-2023 & A-014-2023  
**MEETING DATE:** April 20, 2023  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Darren Ding  
Planner/Placemaker  
**SUBJECT:** Minor variance applications seeking relief from Section 3.3(d) of the Zoning By-law which states that no accessory buildings and structures shall be located closer to the front lot line than the principal building in any zone and seeking relief from Section 3.18.1 (e) of the Zoning By-law to increase the maximum garage projection beyond the main front wall of the principal building from 1m to approximately 12.84m.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	766 Chestnut Street
<b>Legal Description</b>	PLAN 1438 LOT 62 & PT LOT 63 RP 51R24168 PART 2
<b>Official Plan</b>	Shoreline Residential Area (Schedule B)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-009-2023 & A-014-2023, subject to the following conditions:

### CONDITIONS:

- 1.) That the variances apply only to the proposed detached garage as shown substantially in conformity to the drawings submitted with variance applications A-009-2023 and A-014-2023, that any future development of the lands be subject to the Zoning By-law.
- 2.) That the existing mature tree in the front yard and hedges along the property lines be protected and maintained to the extent possible to the satisfaction of the Town to visually screen the garage. A tree preservation/planting plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, location of new trees and hedges and tree protection measures during construction of the detached garage.

**REASON FOR APPLICATION:**

The applicant is proposing to construct a detached garage that projects approximately 12.84m past the main front wall of the dwelling in the front yard. The applicant is seeking relief from Section 3.3 (d) of the Zoning By-law which states that no accessory buildings and structures shall be located closer to the front lot line than the principal building in any zone and seeking relief from Section 3.18.1 (e) of the Zoning By-law which states that on lots with a lot frontage of less than 20m, a detached or attached garage shall not be permitted to project beyond the main front wall of the principal building. Where a front porch is provided, the detached or attached garage may project no more than 1m beyond the main front wall of the principal building.

**SURROUNDING LANDS:**

<b>North</b>	Single detached dwelling and accessory structures (767 10 <sup>th</sup> Line)
<b>East</b>	Single detached dwelling and accessory structures (762 Chestnut St)
<b>South</b>	Chestnut St and single detached dwelling and accessory structures (767 Chestnut St)
<b>West</b>	Single detached dwelling and accessory structures (768 Chestnut St)

**ANALYSIS:**

<b>Site Inspection Date</b>	April 11, 2023
<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 Shoreline Residential Area on Schedule B in the Town’s Official Plan. Section 19.2.2 permits single detached dwellings and accessory structures on the subject property.</p> <p>Section 10.1.41 states the 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. It is not uncommon for dwellings along Chestnut Street to have attached (or in one case detached (771 Chestnut St)) garages that project past the main wall of the dwelling. Also, the existing dwelling is older (constructed in 1944 according to Town records), without a garage, and sitting towards the rear of the lot. The lot size can accommodate the proposed garage with the lot coverage being below the maximum lot coverage for accessory structures at approximately 5.87% (vs. maximum 10%). The overall height of the detached garage to the mid-point of the roof is 4.19m which fits in with the neighbourhood and is lower than the height of the existing dwelling.</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 such, as a condition of approval, Staff require a tree preservation and planting plan be submitted to the satisfaction of the Town.</p> <p>Given the above, Staff are of the opinion the applications maintain the general purpose and intent of the Official Plan, subject to the proposed conditions.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b>	The subject property is zoned Residential 1 (R1) Zone in the Town’s Zoning By-law No. 080-13, which permits single detached dwellings and accessory structures.

<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>Section 3.3 (d) of the Zoning By-law states that no accessory buildings and structures shall be located closer to the front lot line than the principal building in any zone. Additionally, except in the case of a residentially zoned shoreline property, no detached accessory structure shall be permitted in the front yard. Section 3.18.1(e) states on lots with a lot frontage of less than 20m, 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 1m beyond the main front wall of the principal building. The purpose of both provisions is to reduce visual bulk and massing of accessory structures on the property, maintain the predominance of the principal dwelling as the principal use on the property, maintain consistent streetscapes, provide sufficient sightlines for drivers, and avoid the predominance of a garage on the streetscape.</p> <p>The application proposes a projection of approximately 12.84m past the main front wall. Since a 1m projection is permitted due to the existing front porch, the variance being requested is a 11.84m projection.</p> <p>There is existing mature vegetation including a tree in the front yard and hedging along the interior lot line to the west, which Staff have requested, as a condition of approval, be preserved to help screen the garage from view and to reduce visual impacts to neighbouring properties. The submitted elevation drawings show the garage doors are proposed to face the interior side yard rather than the front yard which will also reduce visual impacts from the garage.</p> <p>Further, the proposed garage addition complies with all other zone provisions, including other setbacks, height and lot coverage. It is considered that the garage projection into the front yard setback would not cause substantial concerns with respect to streetscape, massing, or sightlines. The streetscape of the surrounding area is eclectic, with some projecting garages, and the existing house is toward the rear of the subject lands, and does not currently have a garage.</p> <p>Considering the above, the applications are considered to maintain the purpose and intent of the Zoning By-law, subject to the proposed conditions.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b></p> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The proposed detached garage is located on the south side of the property in the front yard. The proposed garage takes advantage of an existing gravel driveway for vehicular parking space and would have the least impacts to neighbouring properties since the proposed garage will be screened from view by existing mature vegetation, the proposed garage is not considered to be out of character with the surrounding neighbourhood, and the development complies with all other zone provisions including setbacks, height, and lot coverage.</p> <p>Given the subject property has no existing garage and there is no other space to accommodate a garage, it is Staff's opinion that the proposed</p>

	detached garage is desirable for the appropriate/orderly development and use.
<b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Although the projection is not arithmetically minor, it can be considered minor in nature due to its improvement of existing conditions, mature vegetative screening, 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:** April 4, 2023

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

**FILE/APPLICATION:** A-009 & 014-2023

**SUBJECT:** 766 Chestnut St.

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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):

No comments

**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)

No comments