



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. A-015-2023**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Phillip Santana, Agent**, on behalf of **Parkbridge Lifestyle Communities Inc., Owner**, for a minor variance from Zoning By-law 080-13, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **PLAN 51M1189 BLK 318**, is known municipally as **2979 Middlemass Street**, and is zoned as **“Residential Townhouse EXCEPTION 5 HOLDING SYMBOL (RT-5 (H))”**.

The applicant is proposing three-season partially enclosed “Muskoka Rooms” to be constructed on the rear of proposed townhouses on the subject lands. The applicant is seeking relief from Section 3.54 of the Zoning By-law requesting that Muskoka Rooms are interpreted as being permitted the same encroachment relief as porches and verandahs.

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, April 20, 2023, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code:
<https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.



If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.

Dated: **April 6, 2023**

Toomaj Haghshenas,
Secretary-Treasurer
thaghshenas@innisfil.ca
705-436-3710 ext. 3316

March 17, 2023

Committee of Adjustment (April 20, 2023)
Minor Variance Application – Muskoka Room

Architectural Example – Permitted Porch and Requested Muskoka Room

The following two figures provide an illustrative example of the current permissible porch design (Figure 1) and the requested Muskoka Room Minor Variance (Figure 2). Both designs result in the same footprint of the building. The current porches are permitted to have privacy screening to separate units. The Muskoka Room replaces the privacy screening with a screened partition that provides a three-season unconditioned space. Three screened partitions complete the Muskoka Room.

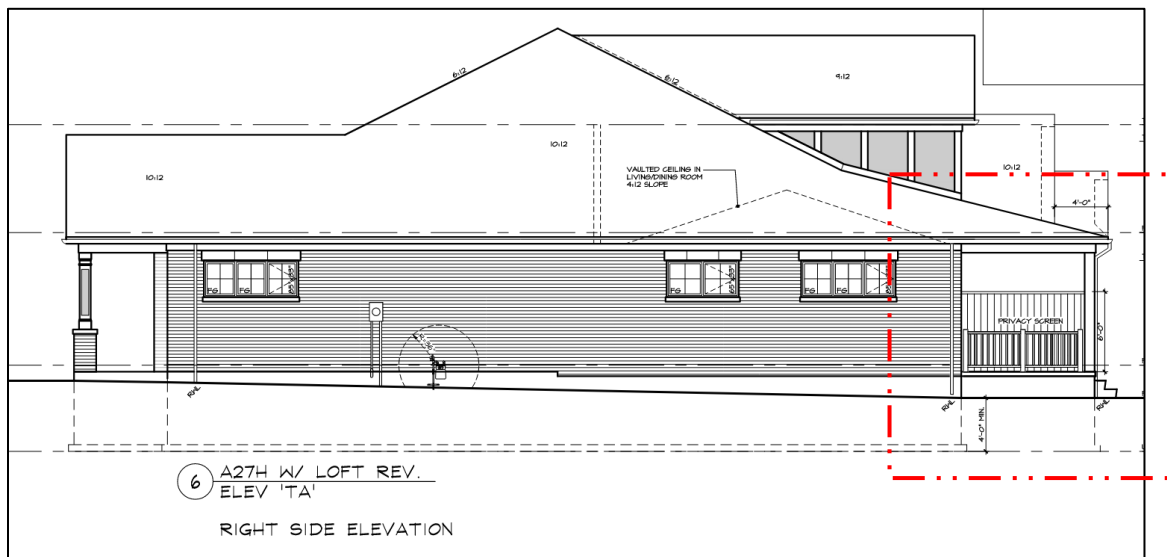


Figure 1: Permitted rear yard Porch as per current zoning.

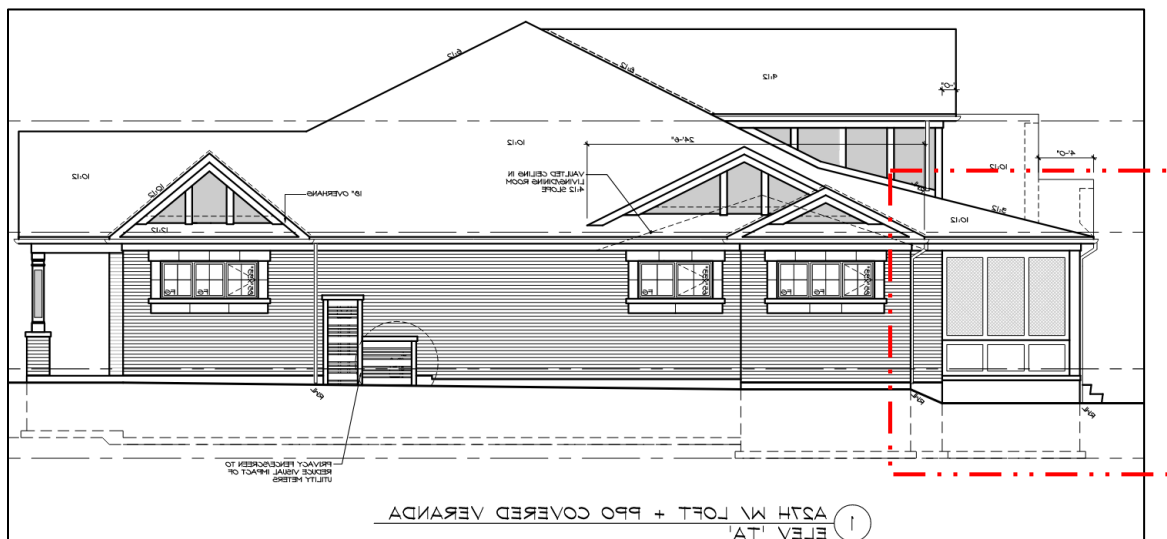


Figure 2: Requested rear yard Muskoka Room as per Minor Variance request.

March 16th, 2023

Steven Montgomery
Supervisor of Development Acceleration
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 4B4

Dear Mr. Montgomery,

**RE: Innis Village (Lakehaven) Minor Variance Application – Planning Justification Brief
Innis Village Subdivision 51M-1189 (Lots 26 and 27, Concession 10), Blocks 318-320,
Innisfil, ON
OUR FILE 18129Y**

MacNaughton Hermson Britton Clarkson Planning Limited (“MHBC”) was retained by Mattamy Homes (the “Applicant”), to review the planning merits of proposed Minor Variances to facilitate the construction of three-season partially enclosed ‘Muskoka rooms’ (the “Proposed Development”) associated with the Phase 2A, 2B and 2C land lease blocks (Blocks 318, 319 and 320) of Innis Village Subdivision (Plan 51M-1189) on the lands known legally as Lots 26 and 27, Concession 10 in the Town of Innisfil (the “Subject Lands”).

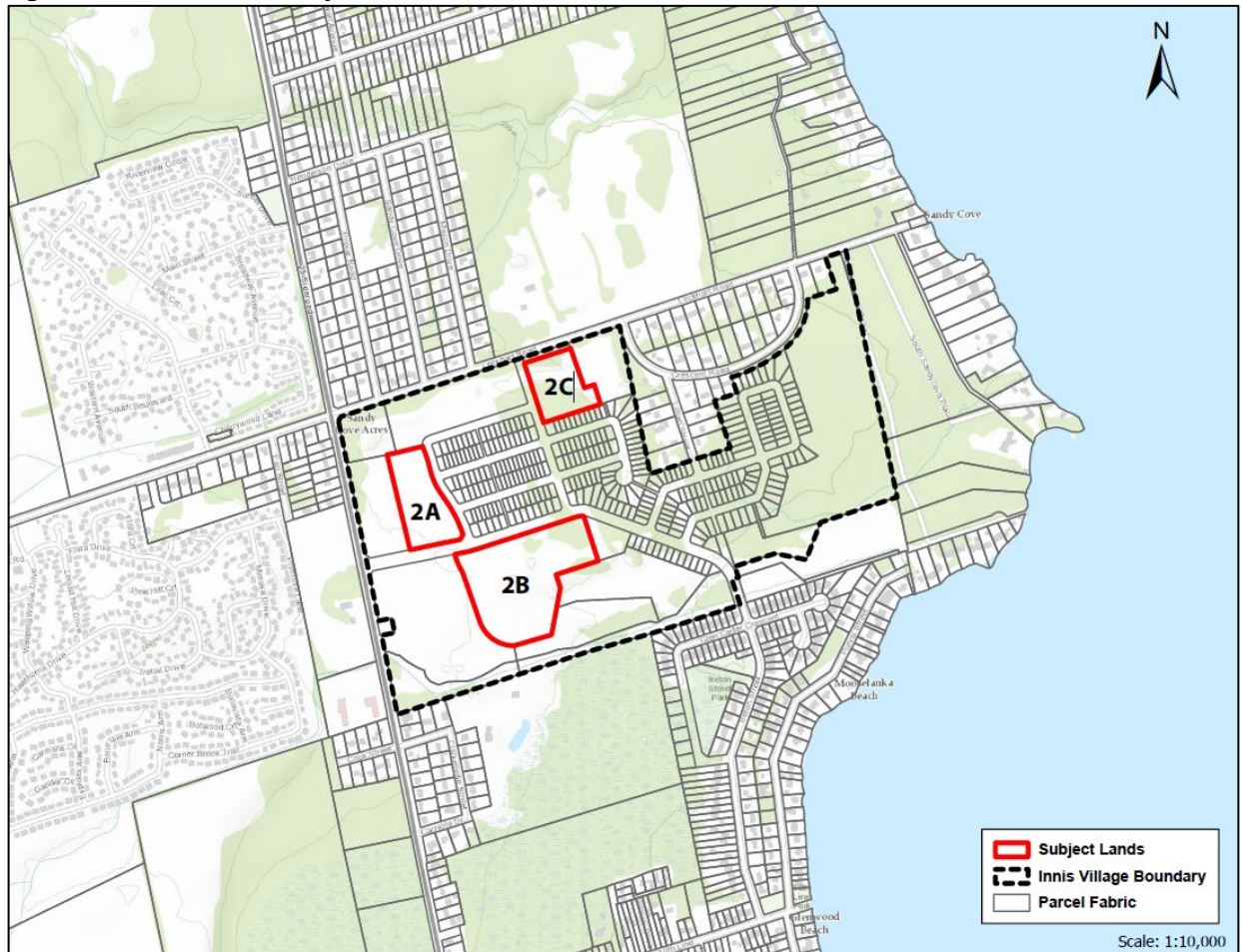
The scope of this Planning Justification Brief is to provide a brief overview of the Proposed Development and file history of existing planning approvals, as well as respond directly to the planning merits of the Proposed Development.

Project Overview

The Proposed Development consists of three-season partially enclosed ‘Muskoka rooms’ for the land lease blocks within the Registered Innis Village Subdivision, known as Phase 2A, 2B and 2C. Currently, the Subject Lands are zoned the Residential Townhouse Exception 5 (RT-5) Zone, in which the Proposed Development is permitted; however, the Town’s Zoning By-law does not currently define a ‘Muskoka room’. Therefore, it is understood that Minor Variances are required to facilitate the Proposed Development in order to specify that three-season ‘Muskoka rooms’ may encroach into the required minimum yards as porches and verandahs are permitted to as-of-right.

An aerial image of the Subject Lands is shown in **Figure 1**.

Figure 1 – Aerial of the Subject Lands



Existing Planning Approvals

The Subject Lands were previously subject to two (2) Plan of Subdivision applications and two (2) Zoning By-law Amendment applications, which were approved by the Ontario Municipal Board (OMB) on September 12, 2012. The purpose of these applications was to facilitate the development of the Innis Village East and Innis Village West subdivisions (i.e. the Innis Village Subdivision). The Innis Village Subdivision consists of the following:

- 317 single detached dwelling units;
- Approximately 191 land lease units;
- 200 retirement campus units;
- Open space blocks;
- Commercial block;
- Future development block;
- SWM blocks;
- 10-acre public park; and,
- Landscaping.

Proposed Minor Variances

The purpose of the proposed Minor Variances are to define the Proposed Development and request that the Proposed Development be subject to similar as-of-right yard encroachment permissions that currently apply to a porch/verandah, as defined by the Town's Zoning By-law. Specifically, the following Minor Variances are being requested:

1. Section 2: Muskoka Room means a three-season one-storey structure abutting the main wall of a building, having a roof and walls that are partially enclosed; and,
2. Section 3.54: Requesting that Muskoka rooms be permitted within land lease Blocks 319 to 320 to encroach 3.0 metres into any required yard setback; whereas, the Town's Zoning By-law does not currently include encroachment permissions for Muskoka rooms.

A copy of the Registered M-Plan for the Innis Village Subdivision showing the Subject Lands subject to the above-noted variances has been included as **Attachment 1** to this Brief.

Copies of the Phase 2A, 2B and 2C site plans showing the Proposed Development are included as **Attachment 2** to this Brief.

Planning Analysis

The following is a review of the proposed Minor Variances concerning Provincial, County and Town Official Plan policies, as well as Zoning By-law No. 080-013:

Provincial Policy Statement (PPS) 2020

The Subject Lands are located within a settlement area. Section 1.1.3.1 of the PPS states that "*settlement areas shall be the focus of growth and development.*" Further, Section 1.1.3.2 requires that "*settlement areas shall be based on densities and a mix of land uses, which effectively use land and resources, and are appropriate for, and effectively use, the infrastructure and public service facilities which are planned or available.*" Section 1.1.3.4 of the PPS also states that "*appropriate development standards should be promoted, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*"

The proposed Minor Variances would facilitate the continued development and build-out of the draft plan approved and registered Innis Village Subdivision land lease blocks, which are approved developments that are consistent with the settlement area policies of the PPS, promote and provide intensification, and effectively use land and resources, including existing infrastructure.

It is the opinion of the undersigned, that the proposed Minor Variances are consistent with the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020

The Growth Plan identifies that the Subject Lands are located in a settlement area. Section 2.2.2 a) of the Growth Plan indicates that the "*vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities.*"

The proposed Minor Variances would promote the policies of the Growth Plan by allowing for the continued development and build-out of the Innis Village Subdivision land lease blocks, which have been approved in conformity with the Growth Plan.

It is the opinion of the undersigned that the proposed Minor Variances conform to the policies of the Growth Plan.

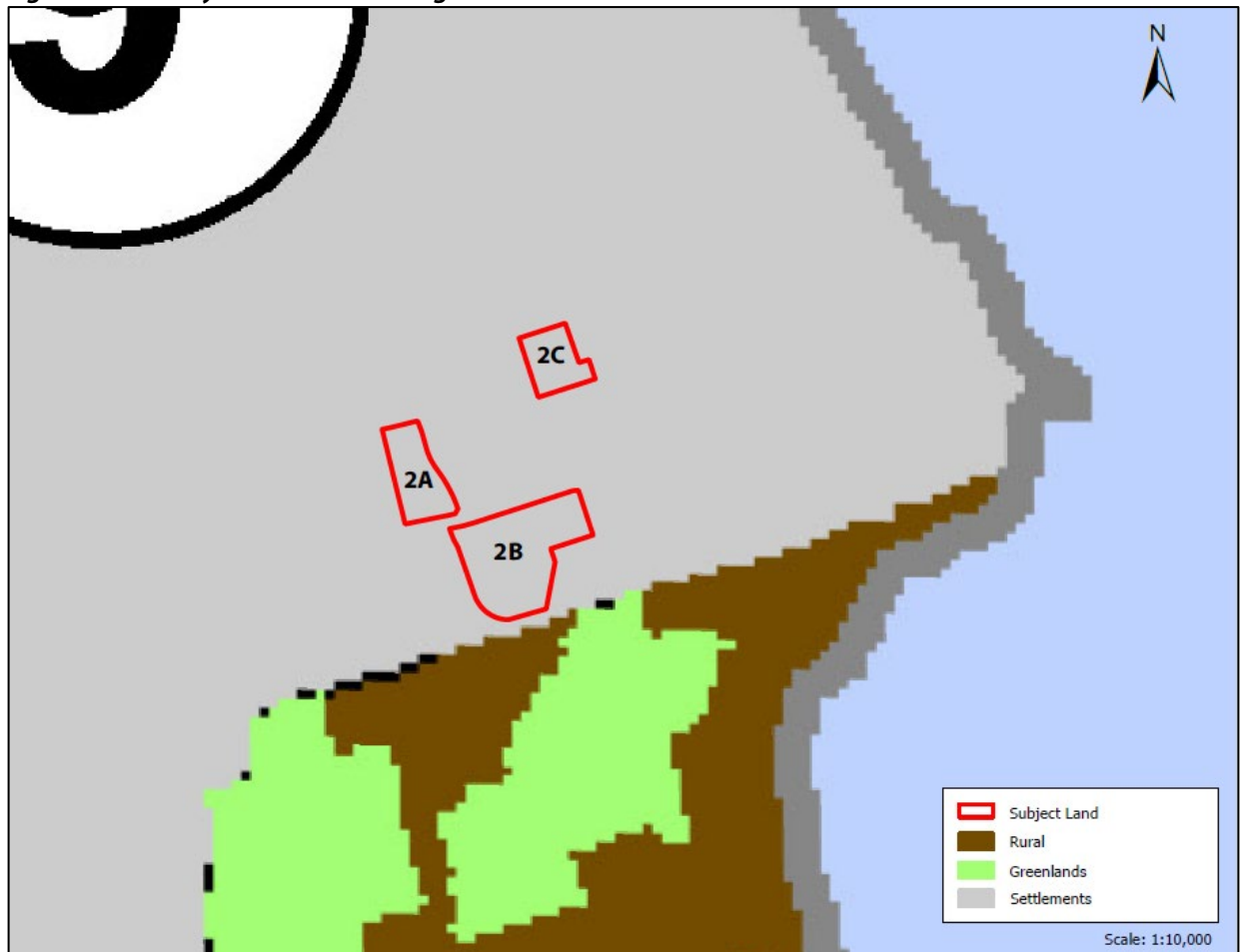
County of Simcoe Official Plan

The Subject Lands are designated 'Settlement' on Schedule 5.1- Land Use Designations to the County of Simcoe Official Plan (see **Figure 2**). The County of Simcoe Official Plan requires that settlements are to be planned to accommodate a diversity of land uses, including residential, commercial, industrial and institutional uses.

The proposed Minor Variances would facilitate the continued development and build-out of the Innis Village Subdivision land lease blocks, which have been approved and are located within a settlement area.

It is the opinion of the undersigned that the proposed Minor Variances conform to the policies of the Simcoe County Official Plan.

Figure 2 – County OP Land Use Designation



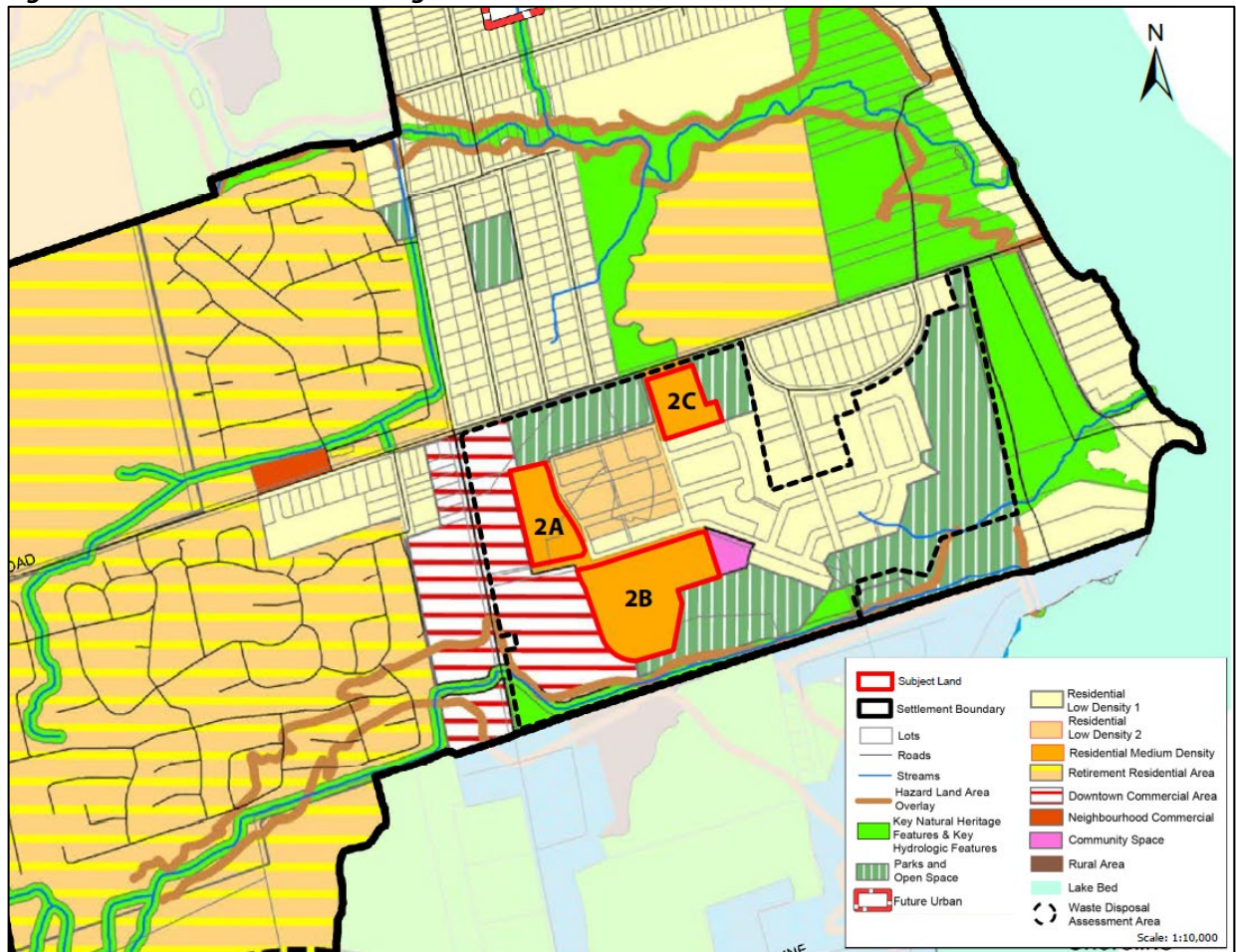
Town of Innisfil Official Plan

The Subject Lands are designated Residential Medium Density on Schedule B5 – Land Use: Sandy Cove to the Town of Innisfil Official Plan (see **Figure 3**). The function of the Residential Medium Density designation is to “provide for higher density residential development in small pockets located generally in areas that can support transit and create walkable higher density nodes adjacent to commercial designations and community facilities and community hubs.”

The proposed Minor Variances would facilitate the continued development and build-out of the Innis Village Subdivision land lease blocks, which have been approved in conformity with the Town of Innisfil Official Plan. The Proposed Development is also located on lands that are draft plan approved, registered and zoned for the proposed residential use. Phases 2A and 2B have also received Site Plan Approval and Phase 2C is currently subject to the Site Plan Approval process and is under review by Town staff.

It is the opinion of the undersigned that the proposed Minor Variances conform to the policies of the Town of Innisfil Official Plan.

Figure 3 – Town OP Land Use Designation

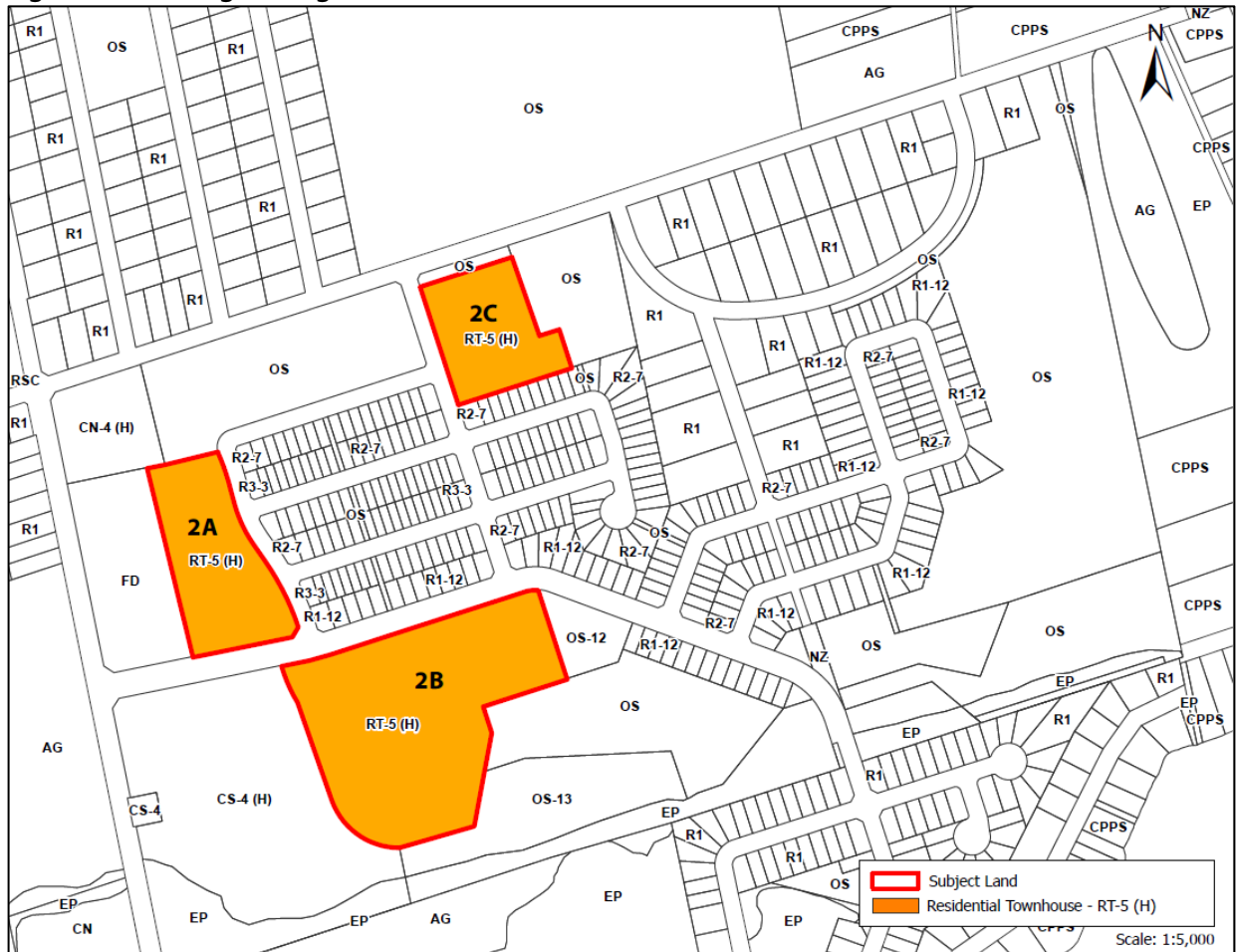


Town Zoning By-law No. 080-13

The Subject Lands are currently zoned the Residential Townhouse Exception 5 (RT-5) Zone under the Town's Zoning By-law (see **Figure 4**). We note that the existing zoning for the Innis Village Subdivision was approved by the Ontario Municipal Board (OMB) in 2012.

In order for more optimal and desired townhouse dwellings to be provided within the land lease blocks of the Innis Village Subdivision, some of the requirements of the Zoning By-law cannot be satisfied. Accordingly, Minor Variances must be sought to facilitate the Proposed Development and ensure zoning compliance.

Figure 4 – Existing Zoning



Proposed Minor Variances – Four Tests Evaluation

When considering the Proposed Development as outlined above, the Committee of Adjustment needs to be satisfied that the proposal satisfies the “four tests” of a minor variance, as established in Section 45(1) of the *Planning Act*. The purpose of this section is to provide a review of how the requested Minor Variances satisfy each of the following four (4) tests:

1. The minor variance maintains the intent of the Official Plan;
2. The minor variance maintains the intent of the Zoning By-law;
3. The minor variance is desirable for the appropriate development or use of the land; and
4. It is minor.

As previously stated, Minor Variances are being requested related to the Proposed Development. They are as follows:

1. Section 2: Muskoka room means a three-season one-storey structure abutting the main wall of a building, having a roof and walls that are partially enclosed; whereas, the Town’s Zoning By-law does not currently define a Muskoka room; and,
2. Section 3.54: Requesting that Muskoka rooms be permitted to encroach 3.0 metres into any required yard setback; whereas, the Town’s Zoning By-law does not currently include encroachment permissions for Muskoka rooms.

1. Requested Muskoka Room Definition

Maintains the General Intent and Purpose of the Official Plan

The Subject Lands are designated Residential Medium Density on Schedule B5 – Land Use: Sandy Cove to the Town of Innisfil Official Plan. As previously stated, the function of the Residential Medium Density designation is to provide higher-density residential development.

The proposed Minor Variances would facilitate the continued development and build-out of the Phase 2A, 2B and 2C land lease blocks within the Innis Village Subdivision, which have been approved and are located within a settlement area.

It is the opinion of the undersigned that the proposed Minor Variances conform to the policies of the Town of Innisfil Official Plan.

Maintains the General Intent and Purpose of the Zoning By-law

The Subject Lands are currently zoned the Residential Townhouse Exception 5 (RT-5) Zone under the Town’s Zoning By-law. Specifically, the proposed Minor Variances are requesting to define the Proposed Development.

Currently, the Town’s Zoning By-law does not include a definition for Muskoka rooms; however, the Town’s Zoning By-law does currently include a definition for a porch/verandah, which is as follows:

“Porch/Verandah means a structure abutting the main wall of a building, having a roof, but with walls that are generally open and unenclosed.”

The Proposed Development is intended to function similarly to a porch/verandah; however, through discussions with Town staff, it was determined that due to the design and specifically, the partially enclosed nature of the proposed Muskoka rooms, they do not fully meet the definition of a porch/verandah and therefore, a Minor Variance would be required to facilitate the Proposed Development. The proposed Muskoka room definition is as follows:

“Muskoka Room means a three-season one-storey structure abutting the main wall of a building, having a roof and walls that are partially enclosed.”

It is the opinion of the undersigned that the proposed Minor Variances maintain the general intent and purpose of the Zoning By-law.

Desirable for the Appropriate Development or Use of the Land

The Minor Variances would allow for the construction of a more desirable townhouse dwelling unit product that provides covered and screened-in amenity space, will not change the ultimate long-term use or character of the Subject Lands, and will make efficient use by facilitating the development and build-out of the Innis Village Subdivision land lease blocks.

It is the opinion of the undersigned the proposed Minor Variances are desirable for the appropriate development and use of the lands.

Minor in Nature

As previously stated, the proposed Muskoka rooms are a permitted use in the RT-5 Zone; however, they are not currently defined in the Town’s Zoning By-law. The Proposed Development will function similarly to a porch/verandah, which is also a permitted use and can encroach 3.0 metres into any required yard as per Section 3.54 of the Town’s Zoning By-law.

On this basis, it is the opinion of the undersigned that the requested Minor Variances to facilitate the Proposed Development of the Innis Village Subdivision land lease blocks are minor in nature.

2. Requested Encroachment Permissions

Maintains the General Intent and Purpose of the Official Plan

The Subject Lands are designated Residential Medium Density on Schedule B5 – Land Use: Sandy Cove to the Town of Innisfil Official Plan. As previously stated, the function of the Residential Medium Density is to provide higher-density residential development.

The proposed Minor Variances would facilitate the continued development and build-out of the Phase 2A, 2B and 2C land lease blocks within the Innis Village Subdivision, which have been approved and are located within a settlement area.

It is the opinion of the undersigned that the proposed Minor Variances conform to the policies of the Town of Innisfil Official Plan.

Maintains the General Intent and Purpose of the Zoning By-law

The Subject Lands are currently zoned the Residential Townhouse Exception 5 (RT-5) Zone under the Town's Zoning By-law. As the Town's Zoning By-law does not currently have a definition for the Proposed Development, the Town's Zoning By-law also does not provide any encroachment permissions for Muskoka rooms. As the Proposed Development will function similarly to a porch/verandah, the proposed Minor Variances are requesting that the Proposed Development have the same encroachment permission as a porch/verandah under Section 3.54, which is 3.0 metres into any required rear yard.

It is the opinion of the undersigned that the proposed Minor Variance maintains the general intent and purpose of the Zoning By-law.

Desirable for the Appropriate Development or Use of the Land

The Minor Variances would allow for the construction of a more desirable townhouse dwelling unit product that provides more functional covered and screened-in three-season amenity space, will not change the ultimate long-term use or character of the Subject Lands, and will make efficient use by facilitating the development and build-out of the Innis Village Subdivision land lease blocks.

It is the opinion of the undersigned the proposed Minor Variances are desirable for the appropriate development and use of the lands.

Minor in Nature

As previously stated, the proposed Muskoka rooms are a permitted use in the RT-5 Zone; however, they are not currently defined in the Town's Zoning By-law. The Proposed Development will function similarly to a porch/verandah, which is also a permitted use and can encroach 3.0 metres into the required yards as per Section 3.54 of the Town's Zoning By-law.

On this basis, it is the opinion of the undersigned that the requested Minor Variances to facilitate the Proposed Development of the Innis Village Subdivision land lease blocks are minor in nature.

Summary & Conclusions

Overall, two (2) Minor Variances are being requested to facilitate the development of the Innis Village Subdivision land lease blocks known as Phase 2A, 2B and 2C.

The Official Plan policies and Zoning By-law provisions permit townhouse dwellings and associated accessory structures on the Subject Lands.

The requested Minor Variances will facilitate the continued build-out of the Innis Village Subdivision land lease blocks, which maintain the intent of the policy and zoning framework, are desirable for the Subject Lands and are appropriate for the surrounding neighbourhood. Specifically, the proposed Minor Variances will permit a more functional form of a covered porch or verandah for the future residents but allow these to be partially enclosed and screened in, defined as a three-season 'Muskoka Room', which will provide greater functionality.

It is the opinion of the undersigned that the proposed Minor Variances are consistent with the PPS, conform to the Growth Plan, County of Simcoe Official Plan and Town of Innisfil Official Plan, and meet the intent of the Town of Innisfil Zoning By-law. Furthermore, it is the opinion of the undersigned that the proposed Minor Variances meet the four (4) tests established in the *Planning Act*, and represent good planning.

Should you require any additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

MHBC

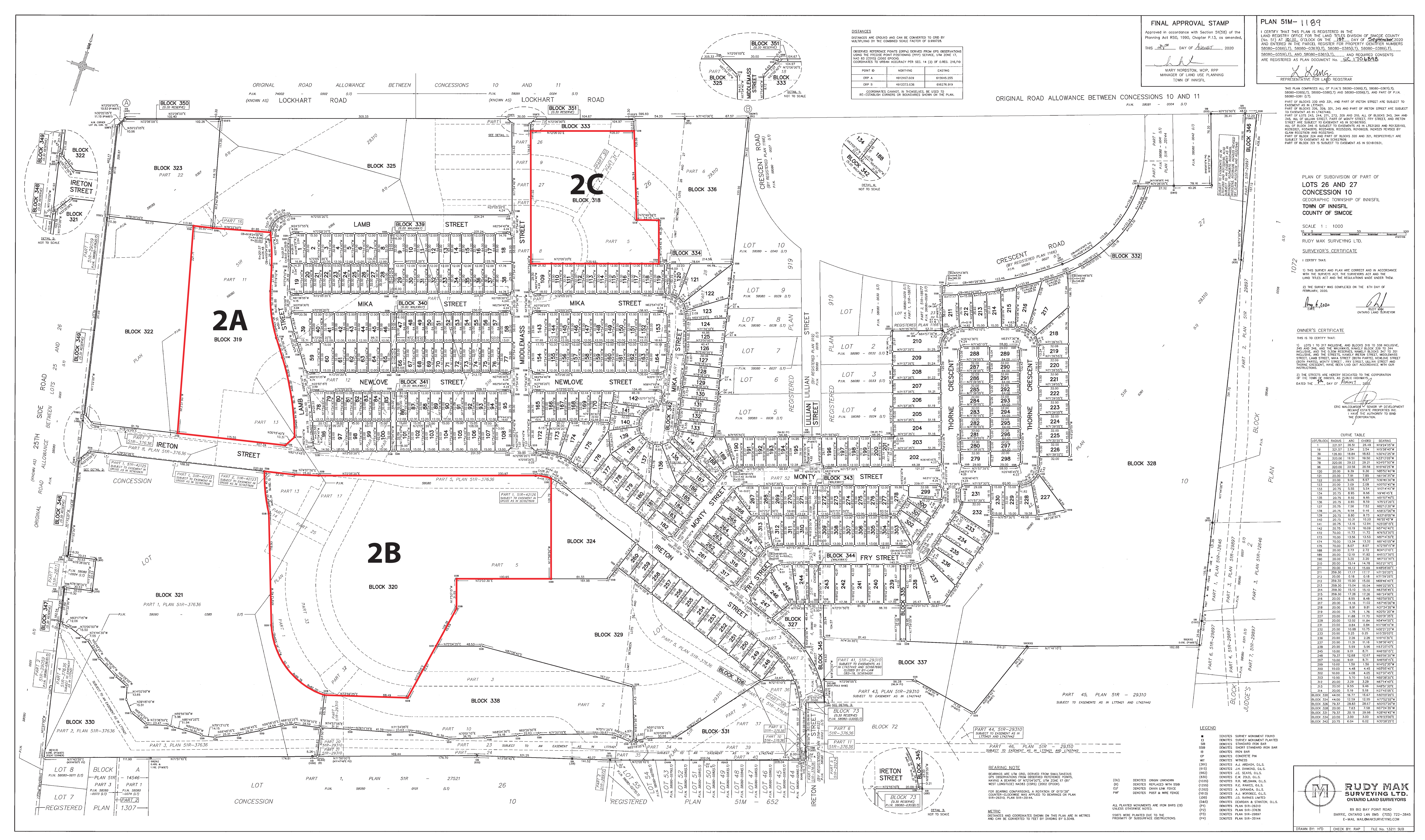


Kory Chisholm, BES, M.Sc., MCIP, RPP
Partner



Shayne Connors, M.Sc. PI
Intermediate Planner

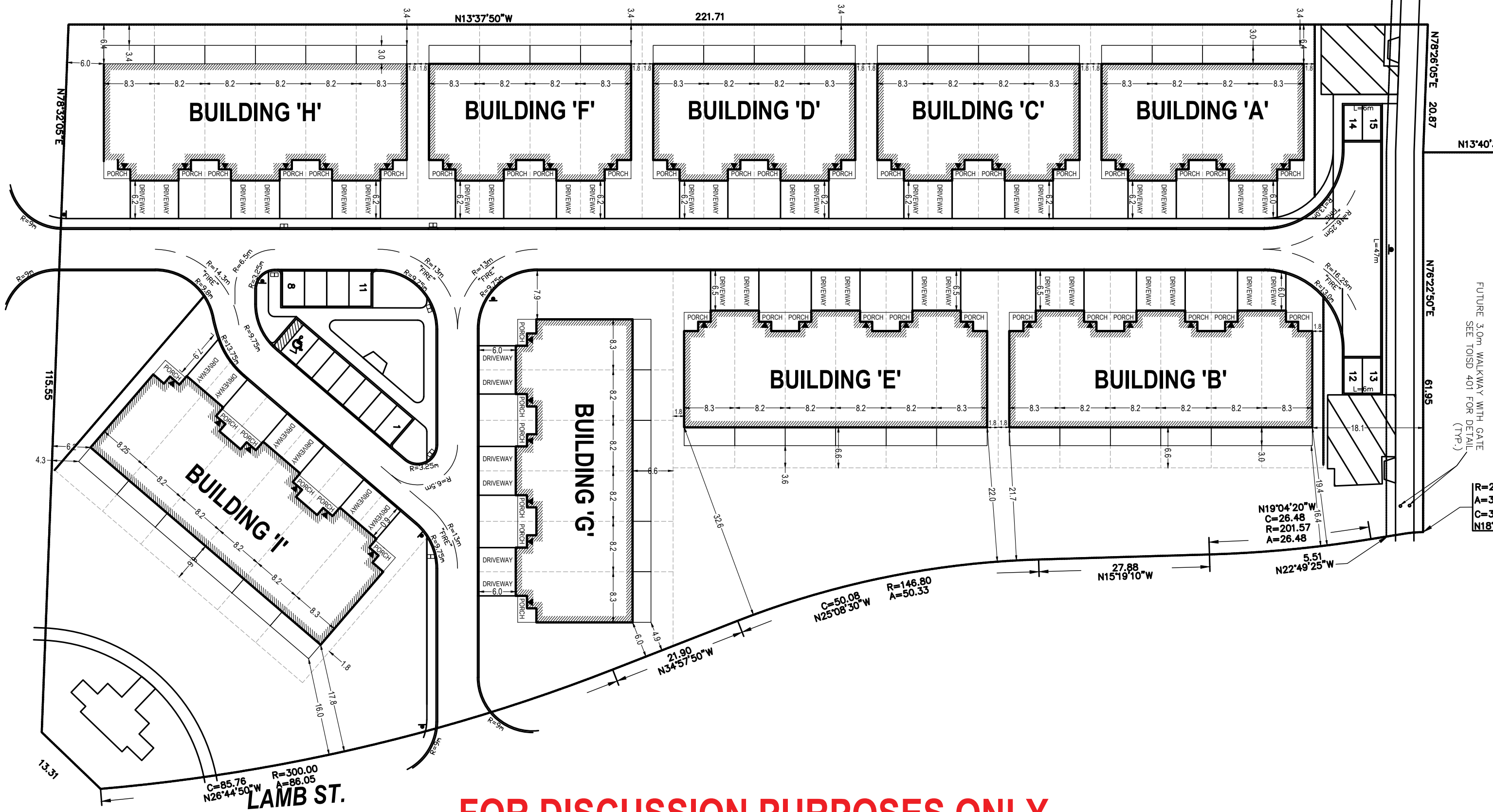
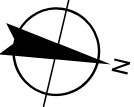
Attachment 1



Attachment 2

PARKBRIDGE, INNIS VILLAGE 2A

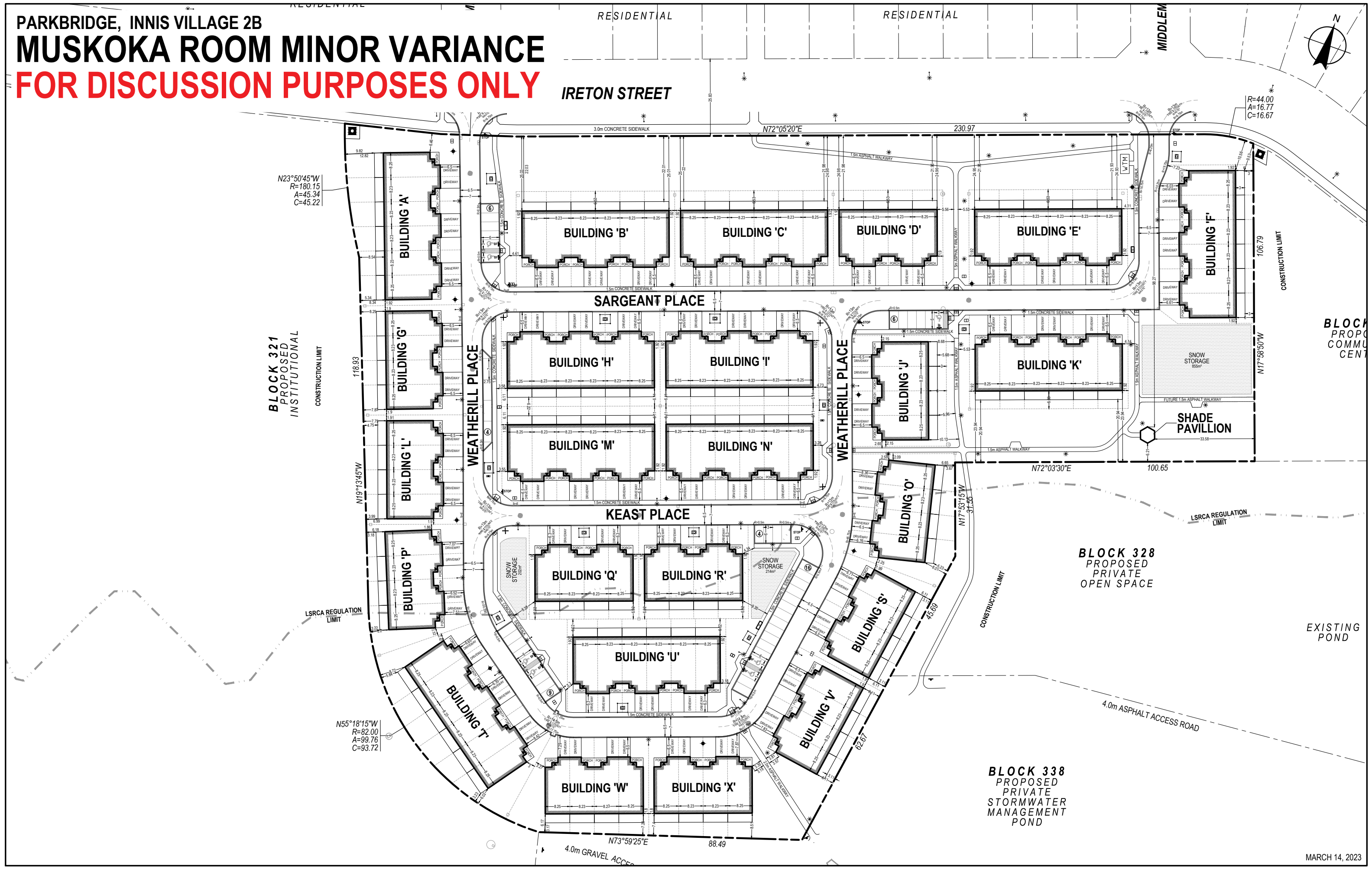
MUSKOKA ROOM MINOR VARIANCE



PARKBRIDGE, INNIS VILLAGE 2B

MUSKOKA ROOM MINOR VARIANCE

FOR DISCUSSION PURPOSES ONLY



PARKBRIDGE, INNIS VILLAGE 2C

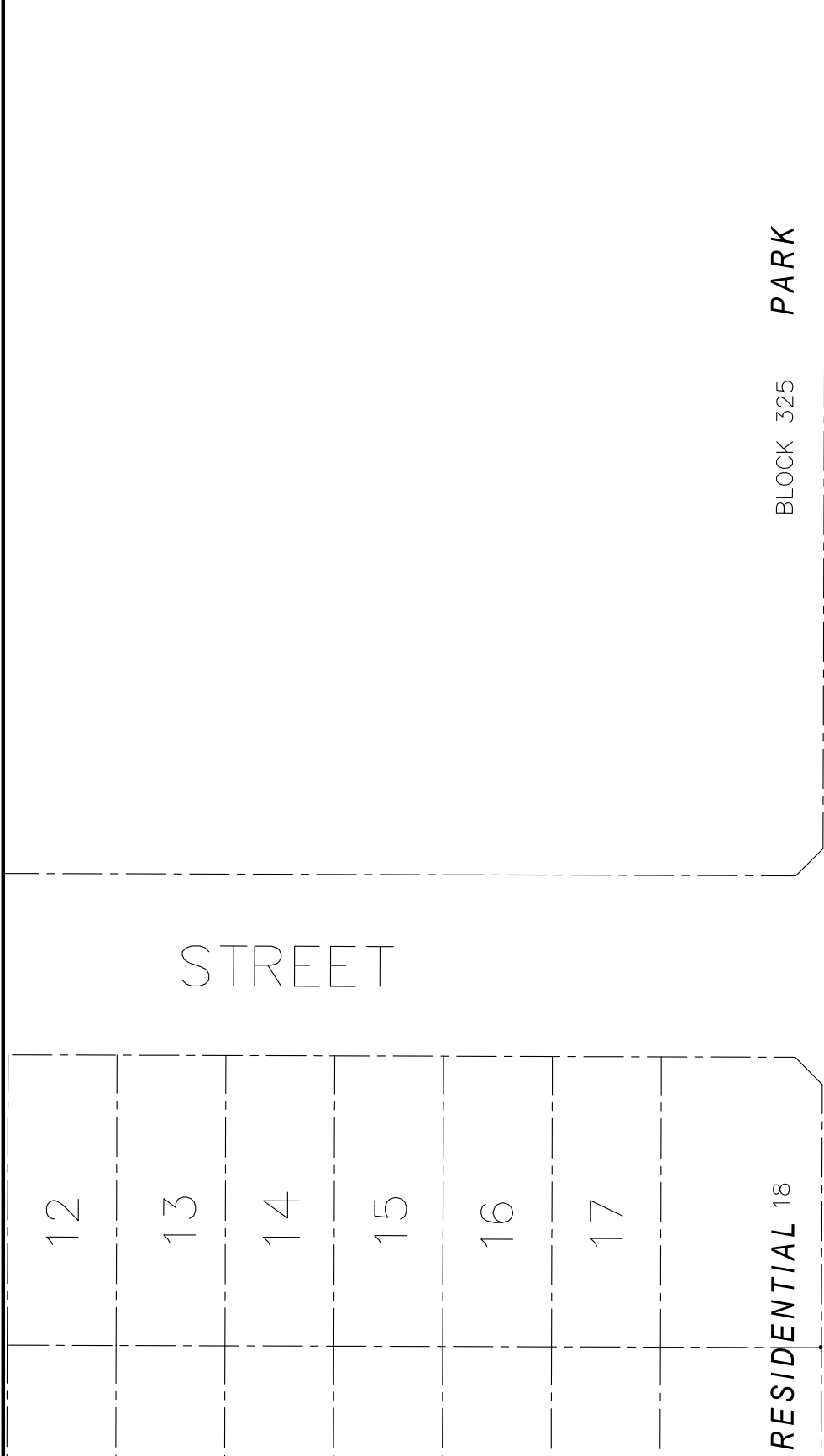
MUSKOKA ROOM MINOR VARIANCE

FOR DISCUSSION PURPOSES ONLY

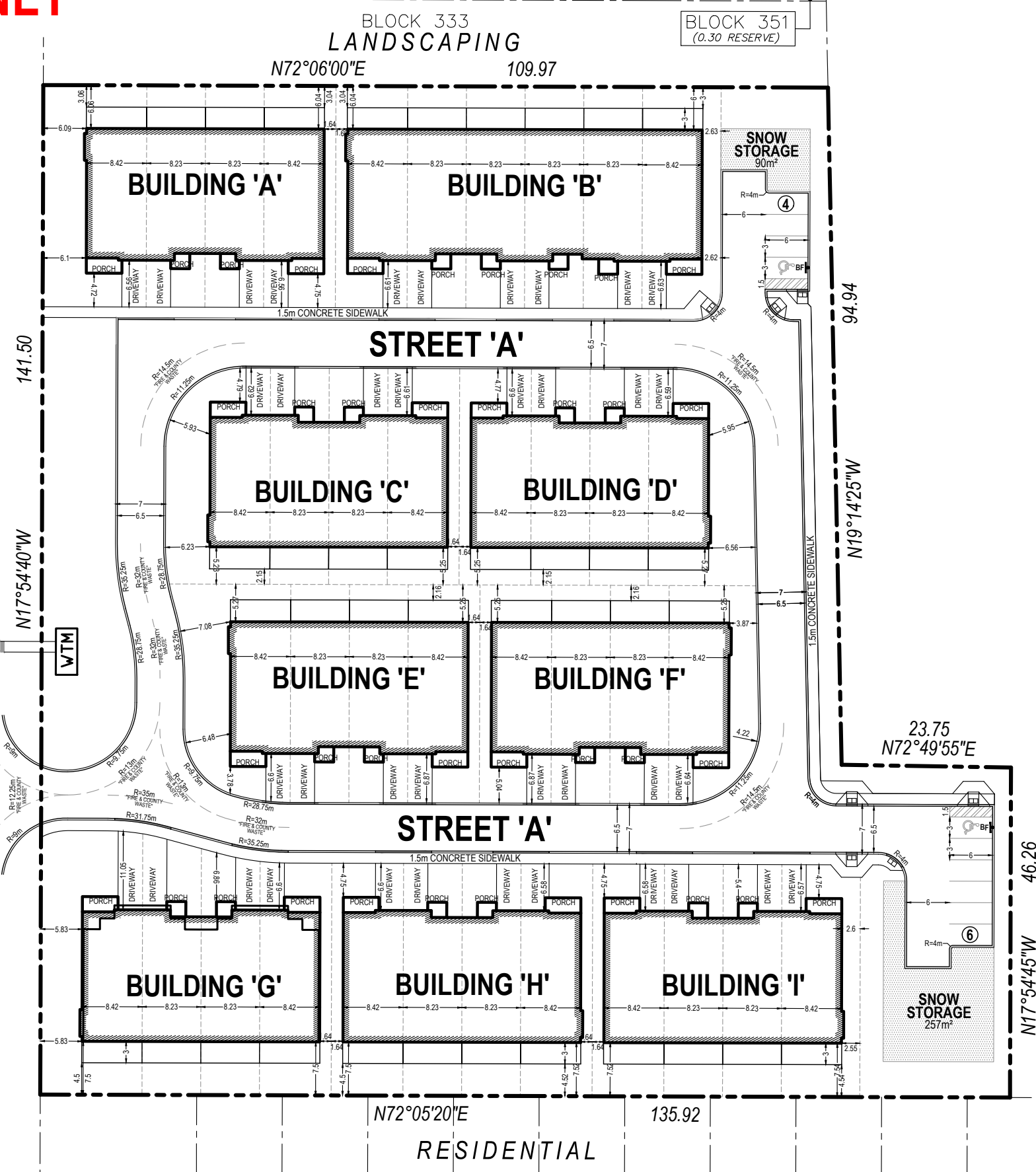
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LOCKHART ROAD

ROAD ALLOWANCE BETWEEN CONCESSIONS



MIDDLEMASS STREET



STORMWATER
MANAGEMENT
AREA

BLOCK 336

LIMIT OF LOTS 26 AND 27