

Summary of Comments

A-017-2023 - 3088 Ireton St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-017-2023
MEETING DATE: April 20, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance application 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.

PROPERTY INFORMATION:

Municipal Address	3088 Ireton Street
Legal Description	PLAN 51M1189 BLK 320
Official Plan	Residential Medium Density (Schedule B5)
Zoning By-law	Residential Townhouse Exception 5 (RT-5(H)) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-017-2023, subject to the following conditions:

CONDITIONS:

- 1.) That the applicant provides a revised site plan drawing to the satisfaction of the Town to include the proposed Muskoka Rooms only on the end units of the subject lands (i.e., Block 320).
- 2.) That the variance only applies to the proposed Muskoka Rooms substantially in accordance with the submitted revised drawing noted in Condition #1, and example elevations submitted with this variance application, and that any future development of the lands be subject to the Zoning By-law.

REASON FOR APPLICATION:

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.

SURROUNDING LANDS:

North	Residential low/medium density
East	Community space and open space
South	Downtown Commercial Area and open space
West	Downtown Commercial Area

ANALYSIS:

Site Inspection Date	April 11, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Medium Density on Schedule B5 in the Town’s Official Plan, which permits townhouses and accessory structures on the subject lands.</p> <p>The applicant is proposing to construct three-season partially enclosed Muskoka Rooms on the rear of the proposed townhouses on the end units only. They are proposed to encroach into the rear yard such as a porch or verandah are allowed to do in as-of-right the Zoning By-law, however they do not meet the Zoning By-law definition of a porch or a verandah.</p> <p>The Official Plan aims to promote development that is compatible with the surrounding area and encourages appropriate land uses. The proposed Muskoka Room use and proposed encroachment is considered appropriate development in context, would fit in with the proposed design and character of the units and neighbourhood, and would provide shelter and less yard maintenance area for the senior-age residents this development is targeting. Sufficient amenity space is being provided for the enjoyment of the residents. Staff are of the opinion the application 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 Townhouse Exception (RT-5(H)) Zone in the Town’s Zoning By-law No. 080-13, which permits single detached dwellings and accessory structures.</p> <p>Section 3.54 of the Zoning By-law requires yard encroachments for accessory structures. However, the Zoning By-law does not currently define a “Muskoka Room”, and therefore does not include encroachment permissions for Muskoka Rooms. As such, 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/verandahs.</p> <p>As per Section 2.172, Porch/Verandah is defined as a structure abutting the main wall of a building, having a roof, but with walls that are generally open and unenclosed. In contrast, a Muskoka room is a type of enclosed porch or sunroom that is typically a three-season room. Muskoka rooms are often designed with large windows or screens to allow for natural light and ventilation and to provide a connection to the surrounding natural environment.</p> <p>The purpose of the porch/verandah encroachment provision is to ensure that the porch/verandah is constructed at a proper distance from the property line or adjacent buildings, which can maintain privacy</p>

	<p>for neighboring properties, maintain amenity space, and allow minor projections of secondary features that do not result in substantial increase to visual bulk and massing on a property. The setback also provides space allowing for proper ventilation and natural light to enter the surrounding area. The Muskoka Rooms are relatively small in scale, resulting in reduced visual bulk and massing concerns, are only on the end units, also resulting in less visual bulk and mass / privacy concerns, and it is also considered that the use is reasonable for the seniors the development is targeting, and yard amenity space is still being provided. Planning Staff supports the proposed Muskoka Rooms (as shown in the elevations provided) but require the applicant to provide a revised site plan drawing to the satisfaction of the Town to include the proposed Muskoka Rooms only on the end units of the subject lands (i.e., Block 320).</p> <p>Considering the above, the application is considered to maintain the 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 Muskoka Rooms are not considered to be out of character with the surrounding neighbourhood. All other provisions of the Zoning By-law are met. The structures are small in scale, and only proposed on the end units, while preserving a reasonable amount of amenity space and not resulting in privacy or visual bulk or massing concerns. The structures would provide additional three season living areas for seniors with less yard to maintain, as stated. Given the above, it is Staff's opinion that the variance 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>The variance is considered minor in nature, given the above-mentioned context. The proposed Muskoka Rooms 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: April 14, 2023

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

FILE/APPLICATION: A-015, A-016 and A-017-2023

SUBJECT: Innisvillage

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. 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)

1. No comments



Sent via e-mail: thaghshenas@innisfil.ca

April 14, 2023

Municipal File No.: A-017-2023
LSRCA File No.: VA-500992-040323

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**
3088 Ireton Street (BLK 320 of PLAN 51M1189)
Town of Innisfil
Owner: Parkbridge Lifestyle Communities Inc.,
Agent: MHBC Planning (c/o Phillip Santana)

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 proponents are proposing a minor variance to permit the construction of three-season partially enclosed “Muskoka Rooms” on the rear of proposed townhouses on the subject lands. Further, 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.

Documents Received and Reviewed by Staff

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

- Planning Justification Letter (prepared by MHBC Planning and dated March 16th, 2023)
- Notice of Public Meeting with site plan dated April 6, 2023

Staff has reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS) and as a regulatory authority under Ontario Regulation 179/06 of the Conservation Authorities Act. The LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil.

Recommendation

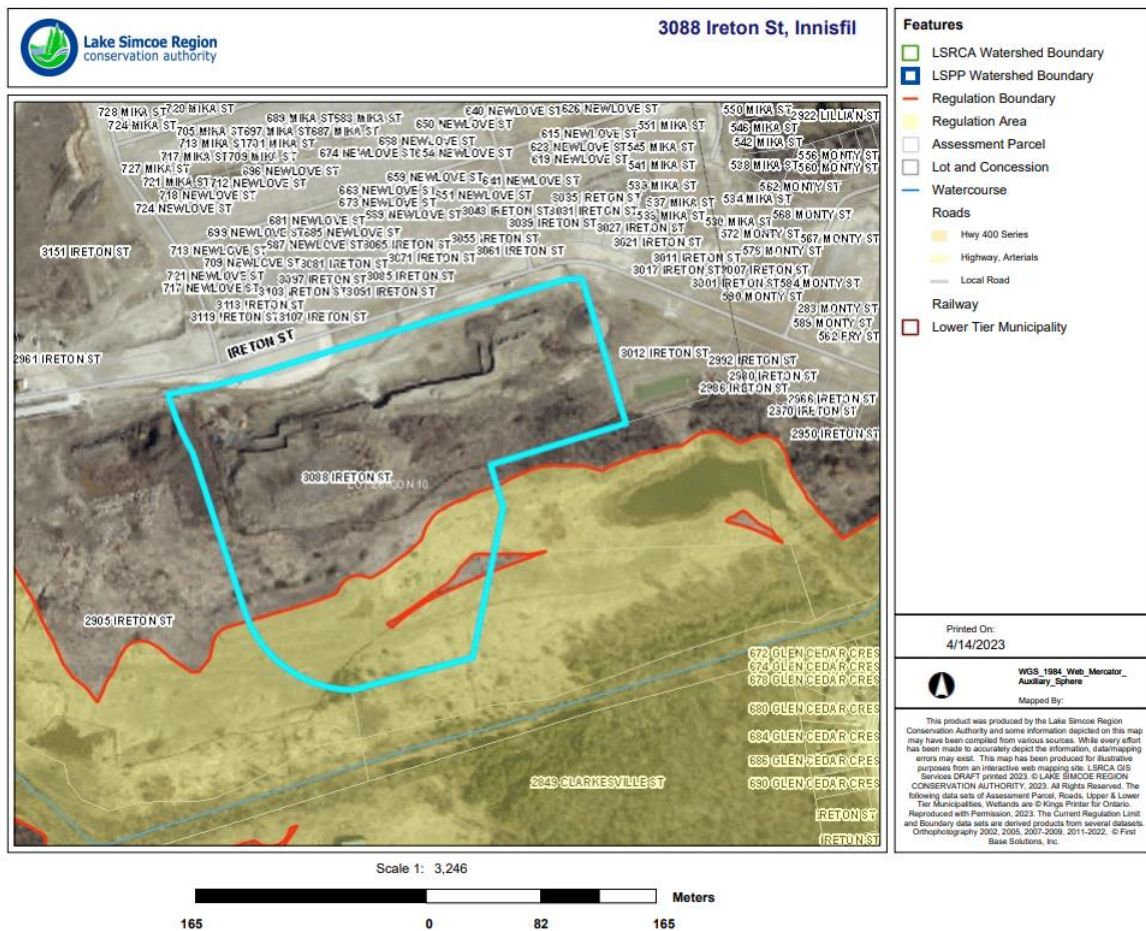
Based on our review of the submitted information, in support of this application, we have no objection to the proposed minor variance. It is recommended that any approval of this application be subject to the following condition:

- That the Applicant/Owner provide the required fee payment for Minor Variance (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule.

Site Characteristics

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for floodplain associated with a watercourse (Mooselanka Creek), as well as for a wetland and associated 120-metre area of Influence.
- The watercourse and wetland features are located south of the subject lands.



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). The subject property is a registered block on a plan of subdivision. An analysis of policy conformity related to the identified hazards and features on site would have been addressed at the draft plan of subdivision approval stage for this block. The application is consistent with 3.1 of the PPS as no new development is being created within the hazard lands.
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. A permit from the LSRCA will be required prior to any development or site alteration proposed within the regulated portion of the property.

Summary

Based on our review of the submitted information, in support of this application, we have no objection to the proposed Minor Variance. It is recommended that any approval of this application be subject to the following condition:

- That the Applicant/Owner provide the required fee payment for Minor Variance (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule.

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 will be required prior to any development or site alteration taking place within the regulated portion of the property.

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