

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: May 18, 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.

PROPERTY INFORMATION:

Municipal Address	766 Chestnut Street
Legal Description	PLAN 1438 LOT 62 & PT LOT 63 RP 51R24168 PART 2
Official Plan	Shoreline Residential Area (Schedule B)
Zoning By-law	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 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 site plan drawing to be revised and submitted to the satisfaction of the Town to show the garage doors facing east towards the existing driveway, as shown previously, with one driveway entrance onto Chestnut Street, and with corrected setback measurement showing the distance from the main front wall of the dwelling to the south limit of the garage.
- 3.) 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 17.17m 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.

SURROUNDING LANDS:

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

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 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)) garages that project past the main wall of the dwelling. Also the existing dwelling is sitting towards the rear of the lot and does not have a garage. 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 much 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/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>
Maintains the purpose and intent	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.

of the Zoning By-

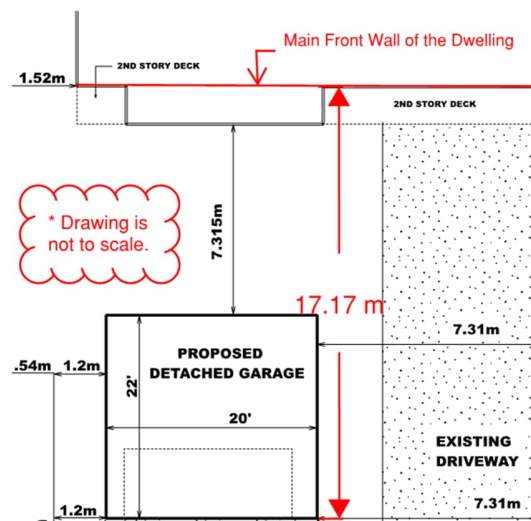
law:

Yes

No

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. The main front wall shall be determined to be the main front wall or that portion of the main front wall consisting of at least 50% of the main front wall. 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.

The application proposes a projection of approximately 17.17m past the main front wall of the dwelling, based on the current site plan. Since a 1m projection is permitted due to the existing front porch, the variance being requested is a 16.17m projection (or 17.17m past the main front wall as shown below). This should be confirmed and included on a revised site plan, provided to scale, as a condition of approval.



Additionally, the detached garage is located in the front yard and is closer to the front lot line than the principal building.

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 previously submitted elevation drawings show the

	<p>garage door is proposed to face the interior side yard rather than the front yard which will also reduce visual impacts from the garage. However, Staff note that the orientation of the proposed garage has been changed and now garage door faces the front yard as per the newly submitted site plan drawing. Further, a second driveway is proposed which does not comply with Section 3.18.1 (g) which restricts residentially zoned lots within a settlement area to one driveway to limit entrances onto a public road. As a condition of approval, staff require the site plan drawing to be revised and submitted to the satisfaction of the Town. Please note Staff can only support a garage door facing the interior side yard allowing one driveway access onto Chestnut Street, in accordance with 3.18.1 (g).</p> <p>The proposed garage complies with all other zone provisions, including other setbacks, height, interior width of garage 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>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 front yard. The proposed garage in the previously submitted site plan drawing 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. The variances are required due to the proposed detached garage projects beyond the main front wall of the principal building and is closer to the front lot line than the principal building.</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 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>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.</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: May 12, 2023

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

FILE/APPLICATION: A-009 & 014-2023

SUBJECT: 766 Chestnut St.

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



MEMORANDUM TO FILE

DATE: May 11, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-009-2023, A-014-2023 (766 Chestnut Street)
SUBJECT: Committee of Adjustment Applications – May 2023
Engineering Services Review Comments

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):

- The Applicant/Owner shall ensure that all **swales on the property** meet the requirements set out in Section 7.3 of the Town of Innisfil (“Town”) Engineering Design Standards and Specifications Manual (“Town Standards”), as amended, and shall ensure stormwater (“SWM”) runoff does not adversely affect adjacent properties.
- The Applicant/Owner shall prepare and submit **engineering design** drawings, specifications, and reports signed and sealed by a Professional Engineer for the property that address, but may not be limited to, such matters as site layout, **lot grading**, stormwater management, **tree preservation** and compensation for removal (refer to Town Corporate Policy CP.09-08 Tree Policy for Development Approvals and Town Standard Section 8.3.3), servicing, and LID measures, to the satisfaction of the Town and InnServices Utilities Inc. (“InnServices”).

Conditions 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):

- The Applicant/Owner shall prepare and submit **engineering design** drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.
- The Applicant/Owner shall undertake and submit a **tree inventory, tree preservation, and tree compensation plan** to the satisfaction of the Town.