

Summary of Comments

A-023, A-024, A-035 and
A-026-2023 - 877 Pine Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-023-2023, A-024-2023, A-025-2023 & A-026-2023
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 b), 3.3 d), 3.3 f) and 3.18.1 e) of the Zoning By-law to permit a detached garage with an increased footprint of 103.3m² and an increased height of 5.9m, projecting beyond the main wall of the principal building, and closer to the front lot line than the principal building.

PROPERTY INFORMATION:

Municipal Address	877 Pine Avenue
Legal Description	PLAN 54 PT LOT 38 RP 51R40917 PARTS 2 AND 3
Official Plan	Residential Low Density 1 and Key Natural Heritage Features and Key Hydrologic Features (KNHFs/KHFs) (Schedule B3)
Zoning By-law	Residential 1 (R1) and Agricultural (AG) Zones

RECOMMENDATION:

The Planning Department recommends approval of A-023-2023, A-024-2023, A-025-2023 & A-026-2023, subject to the following conditions:

CONDITIONS:

- 1.) That the variances only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
- 2.) That 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 tree protection measures during construction of the dwelling and attached garage. Staff request that existing mature trees be protected and maintained to the extent possible to visually screen the structure from neighbouring properties 871 Pine and 875 Pine, or alternatively that additional trees or hedging be provided for screening purposes from said properties, to the satisfaction of the Town.

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage (accessory structure) with an increased footprint of 103.3m² and an increased height of 5.9m, projecting beyond the main wall of the principal building by 20.22m, and closer to the front lot line than the principal building by 16.42m. The applicant is seeking relief from:

- Section 3.3 b) of the Zoning By-law which requires a maximum gross floor area (GFA) or footprint of 50m²;
- Section 3.3 f) which requires accessory structure shall not exceed the principal building or 5m, whichever is the lesser;
- Section 3.18.1 e) which 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; and
- Section 3.3 d) 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 no detached accessory structure shall be permitted in the front yard.

Application Number	By-law Section	Requirement	Proposed	Difference
A-023-2023	3.3 b)	Maximum footprint 50m ²	103.3m ²	53.3m ²
A-024-2023	3.3 f)	Height cannot exceed the height of the principal building or 5m, whichever is the lesser	5.9m	0.9m
A-025-2023	3.18.1 e)	Maximum 1m garage projection	Projection of 20.22m	19.22m
A-026-2023	3.3 d)	No accessory buildings and structures shall be located closer to the front lot line than the principal building. Additionally, no detached accessory structure shall be permitted in the front yard	The proposed detached garage is located in the front yard and is 16.42m closer to the front line than the principal building	16.42m

SURROUNDING LANDS:

North	Single detached dwellings (1207 & 1213 Killarney Beach Rd and 883, 887 & 889 Pine Ave)
East	Woodlands, Key Natural Heritage Features and Key Hydrologic Features Designation
South	Single detached dwellings (871 & 875 Pine Ave), Woodlands, Key Natural Heritage Features and Key Hydrologic Features Designation
West	Pine Ave, Single detached dwellings (878 & 882 Pine Ave)

ANALYSIS:

Site Inspection Date	May 9, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject property is designated Residential Low Density 1 and Key Natural Heritage Features and Key Hydrologic Features (KNHFs/KHFs) on Schedule B3 to the Town's Official Plan. The proposed detached garage is entirely located within Residential Low

	<p>Density 1 designation, which permits accessory uses, buildings and structures.</p> <p>The subject property is within the settlement area of Lefroy – Belle Ewart. The proposed detached garage is in the front yard on the western portion of this large lot. With respect to built form, the Official Plan in 10.1.40 states building height, massing and architectural features where infill development is proposed shall respect and fit into the context of the local character of the urban settlement within which they are located. It is considered the proposed structure reasonably fits in with the neighbourhood in terms of placement and size and represents appropriate development within the context of existing character.</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. Considering the proposed development being in proximity to the existing mature trees in the front yard along the southern property line adjacent to neighbouring properties 871 and 875 Pine, Staff require a tree preservation/planting plan be submitted to the satisfaction of the Town as a condition of approval.</p> <p>Given the above, Staff are of the opinion the proposed development 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 Agricultural (AG) Zones in the Town’s Zoning By-law No. 080-13. The proposed detached garage is entirely within R1 Zone, which permits accessory buildings/structures.</p> <p>Section 3.3 b) states the GFA or footprint of an accessory building or structure shall not exceed 50m² in any Residential Zone. The proposed footprint of the detached garage is 103.3m² (53.3m² difference). Section 3.3 f) states no accessory building shall exceed the height of the principal building on the lot or 5m, whichever is the lesser. The proposed height is approximately 5.9m, which exceeds 5m but is below the height of the dwelling (6.89m).</p> <p>The purpose of both provisions is to ensure the hierarchy of structures is maintained on the property and to reduce visual bulk and massing of structures on the property. The increased footprint and increased height of the garage is to accommodate additional vehicles and storage. The hierarchy of structures will be maintained with the garage being lower than the dwelling. Further, the garage is approximately 1.3% of the permitted 10% lot coverage for accessory structures. Generally speaking, Staff request a planting plan where an accessory structure is requested to be enlarged and abuts a neighbouring property, to visually screen the structure from the neighbouring yard. Therefore, Staff request a planting plan be submitted with hedging or other landscaping along the west face of the garage, to visually screen the structure.</p>

	<p>Section 3.18.1 e) of the Zoning By-law 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. Based on a request to have a detached, side facing garage in the front yard, the application proposes a projection of approximately 20.22m past the main front wall. Since a 1m projection is permitted due to the existing front porch, the variance being requested is a 19.22m projection.</p> <p>Section 3.3 d) 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. As per Section 2.199, Setback is defined as the distance between a lot line and the nearest wall of a principal and/or accessory building or structure, as indicated in the context in which the term is used. The dwelling has a front yard setback of 72.25m while the proposed detached garage has a front yard setback of 55.83m, as such, the garage is 16.42m closer to the front line than the principal building.</p> <p>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>Considering the unique lot configuration, the garage being set back approximately 55.83m from the street, the lot being of sufficient size to accommodate the increased footprint, the garage complying with all other applicable zone provisions including setbacks, and visual screening of the structure by existing homes resulting in no significant streetscape impacts (as well as visual screening from the proposed tree preservation condition), Staff are of the opinion the above noted variances are 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>Staff consider the above noted variances desirable for the appropriate and orderly development of the land. The owner wishes to establish a design for a detached garage that is consistent with the built form of neighbouring buildings. The proposed detached garage is located in the front yard on the west side of the property and has a significant separation distance from any neighbouring structures. Additionally, the proposed garage door faces the interior side yard and takes advantage of an existing driveway access onto Pine Avenue.</p> <p>The variances are required due to the requirements of the maximum footprint and height, location closer to the front lot line than the main</p>

	dwelling, and projection beyond the main front wall of the dwelling. It is Staff's opinion that the proposed detached garage is desirable for the appropriate/orderly development and use, subject to the proposed conditions.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Staff are of the opinion the above noted variances could be considered minor, subject to conditions, due to the size and configuration of the lot, proposed location of the accessory structure on the property, having limited impacts to neighbouring properties and visual impact on the streetscape, 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



MEMORANDUM TO FILE

DATE: May 11, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-023-2023, A-024-2023, A-025-2023, A-026-2023 (877 Pine Avenue)
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.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: May 12, 2023

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

FILE/APPLICATION: A-023, 024, 025, 026-2023

SUBJECT: 877 Pine 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):

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).
2. Ensure lot grading certificate has been issued by the Development Engineer and the Notice of Completion Inspection has been completed by Community Development Standards Branch (Building Department) for main house permit, prior to application for additional structures.

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.