

Summary of Comments

A-030 and A-031-2023 –
1076 Spruce Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-030-2023 & A-031-2023

MEETING DATE: June 15, 2023

TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment

FROM: Darren Ding
Planner/Placemaker

SUBJECT: Minor variance applications seeking relief from Section 3.18.1 g) of the Zoning By-law No. 080-13 to add a second driveway on a residentially zoned lot and seeking relief from Section 3.18.3 d) which permits a maximum garage width of up to 50% of the width of the main wall of the principal building, up to a maximum of 9 m.

PROPERTY INFORMATION:

Municipal Address	1076 Spruce Road
Legal Description	PLAN 767 LOT 91
Official Plan	Residential Low Density 1 and Key Natural Heritage Features & Key Hydrologic Features (KNHFs & KHF) (Schedule B3)
Zoning By-law	Residential 1 (R1) and Environmental Protection (EP) Zones

RECOMMENDATION:

The Planning Department recommends approval of A-030-2023 & A-031-2023, 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 Planning Act regulations.
- 2.) That the applicant provide a detailed planting plan for the vegetation protection zone of Belle Aire Creek, to provide a buffer to the existing watercourse to the satisfaction of the Town and LSRCA.
- 3.) That existing trees be protected and maintained to the satisfaction of the Town. 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, and location of new trees and tree protection measures during construction of the proposed development.

REASON FOR APPLICATION:

The applicant is proposing to construct a single detached dwelling with two attached garages and two driveways on the subject lands. The total interior width of the garages is approximately 10.67m. The applicant is seeking relief from Section 3.18.1 g) of the Zoning By-law which restricts residentially zoned lots within a settlement area to one (1) driveway and seeking relief from Section 3.18.3 d) which requires the maximum interior width of a private garage up to 50% of the width of the main wall of the principal building on the lot, to a maximum of 9m.

Application Number	By-law Section	Requirement	Proposed	Difference
A-030-2023	3.18.1 g)	1 driveway	2 nd driveway	1 additional driveway
A-031-2023	3.18.3 d)	Maximum interior width 9m	10.67m	1.67m

SURROUNDING LANDS:

North	Single detached dwelling (1075 Spooners Road), Woodlands, KNHFs & KHF's designation (Belle Aire Creek, erosion hazard and floodplain)
East	Single detached dwelling (1072 Spruce Road), Woodlands, KNHFs & KHF's designation (Belle Aire Creek, erosion hazard and floodplain)
South	Spruce Road; Single detached dwellings (1075 & 1077 Spruce Road)
West	Single detached dwelling (1082 Spruce Road), Woodlands, KNHFs & KHF's designation

ANALYSIS:

Site Inspection Date	June 1, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are partially designated Residential Low Density 1 on Schedule B3, which permits uses including single detached dwellings and accessory structures. The northern portion of the lands contains a watercourse (Belle Aire Creek), which results in a Key Natural Heritage Features & Key Hydrologic Features (KNHFs & KHF's) designation.</p> <p>The subject lands are within the settlement area of Lefroy - Belle Ewart. Section 10.1.40 of the Official Plan states building height, massing and architectural features of infill developments and intensification shall respect and fit in to the context of the local character of Urban Settlements in which they are located. Section 10.1.37 states that generally building front facades will align with development on neighbouring lots to define a continuous streetscape and that houses should frame the street edge with a consistent setback and have doors windows and entry features facing the road frontage. The proposed development, including two attached garages and two driveways, respects and represents the character of Lefroy – Belle Ewart and does not stand out from a streetscape perspective and is set back approximately 9.52m from the front lot line which meets the minimum 8m front yard setback, so the proposed development would be consistent with the general development pattern in terms of front yard setback.</p>

	<p>The proposed development is located on the southern portion of the property of this large woodlot. There is a watercourse to the north of the subject property (KNHFs & KHF's designation, as stated above) and woodlands on the entire property. Additionally, the property is entirely within the Lake Simcoe Region Conservation Authority (LSRCA) regulated area.</p> <p>In accordance with Section 17.1.13 of the Town Official Plan, land designated KNHFs & KHF's within settlement areas is required to demonstrate through a Natural Heritage Evaluation (NHE) that there will be no negative impacts on the natural features or their ecological functions. Further, Section 17.1.15 and Section 17.1.18 state that development and site alteration shall not be permitted on adjacent lands to KNHFs & KHF's unless the ecological function of the adjacent (i.e. within 120m) lands have been evaluated through an NHE, and it is demonstrated that there will be no negative impacts on the KNHFs & KHF's or their ecological functions. The LSRCA has evaluated the proposed development and confirmed that LSRCA has no objection to the proposed development. As a condition of approval, Town Staff, in lieu of an NHE, and in accordance with LSRCA comments, require a detailed planting plan to provide a buffer to the watercourse. The relatively minor nature of the variances requested, and their location affecting lands towards the front of the property (driveways and garage doors), in the opinion Staff, should practically not be the trigger for obligating the landowner to pursue a full NHE review. Staff note if no garage or driveway variance was required, no NHE would be required for building a house, through the normal LSRCA and Town building permit process.</p> <p>Section 15.1.2 of the Official Plan states that there be no net loss of trees as a result of development within settlement area. Section 15.1.6 states a tree protection plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot. Staff note the proposed development will result in significant tree removal. As such, Staff require a tree protection plan be submitted to the satisfaction of the Town as a condition of approval (can be included on tree planting plan). Please refer to Section 8.2 of the Town Engineering Design Standards and Specifications Manual for tree compensation requirements. Tree Protection Fencing is recommended to protect trees from being injured during construction.</p> <p>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 lands are mostly zoned Residential 1 (R1) Zone (with the exception of the northern portion, which is zoned Environmental Protection (EP) Zone due to an existing watercourse). The new development is proposed within the R1 Zone, which allows single detached dwellings, accessory buildings/structures, and one driveway on each lot. The applicant proposes a single detached dwelling with two attached garages with garage doors facing the front yard and two driveways.</p>

	<p>Staff note Section 3.18.3.d) does not permit the interior width of garage(s) to be greater than 50% the width of the main front wall of the principal building, or to be greater than 9m, for lots with frontage equal to or greater than 15m. The purpose and intent of regulating interior width is to prevent the garage(s) from being a visually dominant feature of the property. The total interior width of the two garages is 10.67m which is approximately 39% of the width of the main front wall of the principal building (27.36m). The proposed two garages are 1.67m greater than the maximum 9m requirement but is still within the maximum 50% requirement, which in the context of the proposed house design (which is long and narrow) is considered minor. The proposed two garages do not dominate the dwelling visually as they are to be located in each side of the principal building and are being set back from the front lot line by 9.52m and 10.21m respectively (min. 8m required).</p> <p>Section 3.18.1 g) of the Zoning By-law restricts the number of driveways on a residentially zoned lot within a settlement area to only one (1). The applicant proposes to construct two driveways on Spruce Road (one for each garage). The purpose and intent of Section 3.18.1 g) is to maintain a consistent streetscape, ensure that front yards are not dominated by parking areas, ensure appropriate landscaped open space is provided and to minimize traffic concerns. The proposed two driveways will not be out of character because the lot is of sufficient size to accommodate the additional driveway while significantly exceeding the minimum landscaped open space requirement in the front yard (40% required vs over 65% provided). The lot is also double the lot width of many lots on the street. Therefore, it is considered that the proposed second driveway would not cause substantial concern with respect to streetscape or traffic.</p> <p>Considering the above, Staff are of the opinion both 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>The proposed two garages are attached to the main building and both garage doors along with two driveways face the front yard. The second driveway will not impact surrounding residential properties, nor will it cause visual clutter or increased traffic within the neighborhood in terms of the scale of the lot and landscaped open space in the front yard. The variances are required due to the required number of driveways on each residentially zoned lot and minor increase in the interior width of garage(s). The additional driveway and interior width are compatible with the surrounding uses.</p> <p>Given the location of the proposed garages and driveways and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land, subject to the proposed conditions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>Staff are of the opinion both variances could be considered minor, subject to the proposed conditions, due to the size of the lot, proposed</p>

	locations of the attached garages and driveways on the property, having limited impacts to neighbouring properties, and the proposed development meeting all other provisions of the Zoning By-law.
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PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: June 9, 2023

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

FILE/APPLICATION: A-030 & 031-2023

SUBJECT: 1076 Spruce Road

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. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

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: June 9, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-030-2023, A-031-2023 (1076 Spruce Road)
SUBJECT: Committee of Adjustment Applications – June 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 ensure that all **driveway locations** on the property meet the requirements set out in Section 2.4.4.12.2 of the Town Standards, as amended.
- 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.



Sent via e-mail: thaghshenas@innisfil.ca

June 7, 2023

Municipal File No.: A-030-2023 & A-031-2023
LSRCA File No.: VA-243849-052923

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**
1076 Spruce Rd
Town of Innisfil
Owner: David Iacono

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 applicants are proposing to construct a single-family dwelling with two attached garages and two driveways and are seeking relief from the following sections of the Town of Innisfil's Zoning By-law 080-13, as amended:

- i. **Section 3.18.1 (g)**, which permits a maximum of one driveway per residentially zoned lot, whereas two driveways are proposed.
- ii. **Section 3.18.3 (d)**, which permits a maximum width of 9 metres for private garages on residentially zoned lots, whereas garages with a combined width of greater than 9 metres are proposed.

Documents Received and Reviewed by Staff

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

- Topographic Survey (prepared by JoeTOPO and dated March 29th, 2023)
- Site Plans and Drawings (dated October 2022)

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 variances. It is recommended that any approval of this application be subject to the following conditions:

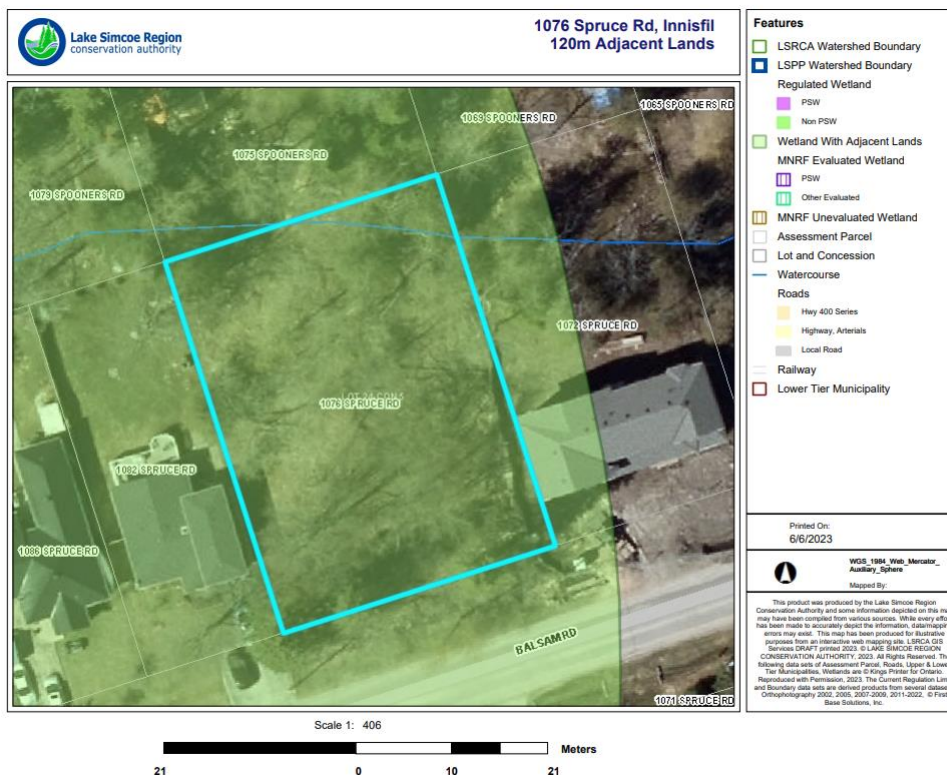
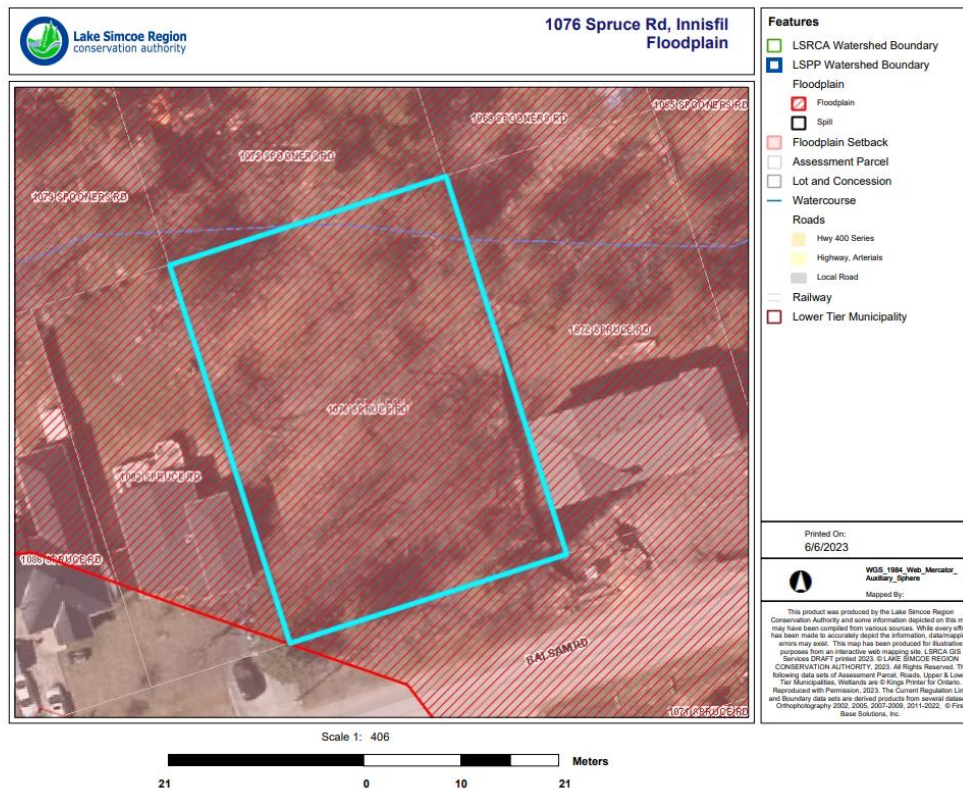
- That the Applicant/Owner provide the required fee payment for Minor Variance (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule;
- That a planting plan be prepared for the buffer to the watercourse to the satisfaction of the LSRCA; and
- That the applicant/owner successfully obtain a permit from the LSRCA.

Site Characteristics

Existing mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06 for the following:
 - Presence of a watercourse (Belle Aire Creek);
 - Meanderbelt erosion hazards of Belle Aire Creek;
 - Floodplain; and
 - 120 m lands adjacent to Provincially Significant Wetland (PSW).





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). There are identified natural hazards on the subject lands (riverine flooding and erosion hazards). The proposed variances are generally consistent with 3.1 of the PPS. Additional concerns regarding flooding will be addressed through the LSRCA permit application review process.
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. Previous permit requirements were provided to the applicant/owner by LSRCA Regulations staff. This includes the submission of a Hydraulic Analysis and Cut/fill in order to demonstrate that the proposed development will not have any negative impacts on the control of flooding and erosion.

Advisory Comments

3. The LSRCA has reviewed this application through our responsibilities as a service provider to the Town of Innisfil, in that we provide through an MOU, as well as through our role as a public body, pursuant to the Planning Act.

Not Undertaking NH Review

Please note that with Bill 23, *More Homes Built Faster Act*, having received Royal Assent from the Province, and the associated Regulations issued on December 28th, 2022, the LSRCA's review has been modified. This impacts our review by way of *Planning Act* applications, as the LSRCA is no longer able to comment on behalf of municipalities for Natural Heritage review within Oak Ridges Moraine, Greenbelt and Settlement Areas established prior to 2009. This includes the subject lands considered as part of this application. Please note that a Natural Heritage Evaluation/Environmental Impact Study will not be requested by the LSRCA accordingly. It is important to note that provincial, regional, and local Natural Heritage planning policies for these areas remain in effect. We understand that the municipality will be providing comments related to Natural Heritage and the requirement for an EIS/NHE.

Lake Simcoe Protection Plan (LSPP), 2009

There is a mapped watercourse (Belle Aire Creek) on the subject lands. Designated policy 6.33 of the LSPP states, "*An application for development or site alteration shall, where applicable:*

- a) *increase or improve fish habitat in streams, lakes and wetlands, and any adjacent riparian areas;*

b) include landscaping and habitat restoration that increase the ability of native plants and animals to use valleylands or riparian areas as wildlife habitat and movement corridors;
c) seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes and wetlands;..."

To demonstrate conformity with designated policy 6.33 of the LSPP, a planting plan will be required for the vegetation protection zone of Belle Aire Creek. Plantings must consist of natural, self-sustaining vegetation. Enclosed is a list of plants native to the Lake Simcoe watershed.

Summary

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

- 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;
- That a planting plan be prepared for the buffer to the watercourse to the satisfaction of the LSRCA; and
- That the applicant/owner successfully obtain a permit from the LSRCA.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has generally 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

lake simcoe native plants

PLANT HARDINESS ZONE The *Plant Hardiness Zones* are the specific areas where various types of trees, shrubs and flowers will most likely survive. It is based on the average climatic conditions of each area. Most of the Lake Simcoe watershed is located in Zone 5a. You can look up your plant hardiness zone on Agriculture and Agri-Food Canada's Website. <http://sis.agr.gc.ca/cansis/nsdb/climate/hardiness/intro.html>

The following is a sample of species that are native to the Lake Simcoe watershed:

TREES

Black Willow	<i>Salix nigra</i>
Large Toothed Aspen	<i>Populus grandidentata</i>
Red Maple	<i>Acer rubrum</i>
Red Oak	<i>Quercus rubra</i>
Silver Maple	<i>Acer saccharinum</i>
Sugar Maple	<i>Acer saccharum</i>
Tamarack	<i>Larix laricina</i>
White Ash	<i>Fraxinus americana</i>
White Birch	<i>Betula papyrifera</i>
White Cedar	<i>Thuja occidentalis</i>
White Pine	<i>Pinus strobus</i>
White Spruce	<i>Picea glauca</i>

VINES

Bittersweet	<i>Celastrus scandens</i>
Riverbank Grape	<i>Vitis riparia</i>
Virgin's Bower	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Wild Cucumber	<i>Echinocystis lobata</i>

SHRUBS

Bush Honeysuckle	<i>Diervilla lonicera</i>
Chokecherry	<i>Prunus virginiana</i>
Elderberry	<i>Sambucus canadensis</i>
Highbush Cranberry	<i>Viburnum trilobum</i>
Hobblebush	<i>Viburnum lantanoides</i>
Meadow Sweet	<i>Spirea alba</i>
Nannyberry	<i>Viburnum lentago</i>
Ninebark	<i>Physoparpus opulifolius</i>
Pussy Willow	<i>Salix discolor</i>
Red Osier Dogwood	<i>Cornus sericea</i>
Serviceberry	<i>Amelanchier Spp</i>
Snowberry	<i>Symphoricarpos albus</i>
Staghorn Sumac	<i>Rhus typhina</i>
Swamp Rose	<i>Rosa palustris</i>
Wild Black Current	<i>Ribes americanum</i>
Winterberry	<i>Ilex verticillata</i>
Yew	<i>Taxus canadensis</i>



SUN PLANTS

Black-eyed Susan	<i>Rudbeckia hirta</i>
Butterfly Milkweed	<i>Asclepias tuberosa</i>
Cylindric Blazing Star	<i>Liatris cylindracea</i>
Evening Primrose	<i>Oenothera biennis</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Foxglove Beardtongue	<i>Penstemon digitalis</i>
Giant Hyssop	<i>Agastache foeniculum</i>
Hairy Beardtongue	<i>Penstemon hirsutus</i>
Heath Aster	<i>Aster ericoides</i>
Hoary Vervain	<i>Verbena stricta</i>
Lance-leaved Coreopsis	<i>Coreopsis lanceolata</i>
New England Aster	<i>Aster novae-angliae</i>
Prarie Smoke	<i>Geum triflorum</i>
Silverrod	<i>Solidago bicolor</i>
Wild Bergamont	<i>Monarda fistulosa</i>
Wild Columbine	<i>Aquilegia canadensis</i>
Wild Geranium	<i>Geranium maculatum</i>
Wild Lupine	<i>Lupinus perennis</i>

SHADE PLANTS

Solomon's Seal	<i>Polygonatum biflorum</i>
Wild Ginger	<i>Asarum canadense</i>
Woodland Sunflower	<i>Helianthus divaricatus</i>
Zig Zag Goldenrod	<i>Solidago flexicaulis</i>

GRASSES

Big Bluestem	<i>Andropogon gerardii</i>
Bottlebrush Grass	<i>Hystrix patula</i>
Canada Wild Rye	<i>Elymus canadensis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Sideoats Gramma	<i>Bouteloua curtipendula</i>

GROUND COVER

Barren Strawberry	<i>Waldsteina fragaroides</i>
Bearberry	<i>Arctostaphylos uva-ursi</i>
False Salomon's Seal	<i>Smilacina racemosa</i>
Polypoda Fern	<i>Polypodium virginianum</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Woodland Strawberry	<i>Fragaria vesca</i>