

Summary of Comments

**A-035 & A-036-2023 –
2726 Ireton St**



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-035-2023 & A-036-2023

MEETING DATE: July 20, 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) of the Zoning By-Law to increase the footprint of an accessory structure from 50m² to 99.97m² and to seek relief from Section 3.3(f) to permit the height of an accessory structure to be greater than 5m.

PROPERTY INFORMATION:

Municipal Address	2726 Ireton Street
Legal Description	PLAN 988 LOT 47
Official Plan	Shoreline Residential Area (Schedule B)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-035-2023 & A-036-2023, 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 the applicant provides a Tree Planting/Restoration Plan to the satisfaction of the Town and the LSRCA.
- 3.) That any existing trees and boundary trees be protected and maintained to the satisfaction of the Town. A detailed tree protection and planting plan shall be prepared to the satisfaction of the LSRCA and Town, proposing tree compensation and replacement rates for any trees to be removed, and location of new trees and tree protection measures during construction.
- 4.) That the proposed garage be utilized for non-commercial purposes only, in accordance with the provisions of the R1 Zone

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage (accessory structure) with an increased footprint of 99.97m² and an increased height of 5.20m. The applicant is seeking relief from Section 3.3 (b) of the Zoning By-law which requires a maximum footprint of 50m² and from Section 3.3 (f)

which requires accessory structure shall not exceed the height of the principal building or 5m, which ever is the lesser.

Application Number	By-law Section	Requirement	Proposed	Difference
A-035-2023	Section 3.3(b)	Maximum footprint of 50 m ²	99.97m ²	49.97m ²
A-036-2023	Section 3.3(f)	Height of an accessory structure cannot exceed the height of the principal building or 5m, which ever is the lesser	5.20m (to midpoint of roof) (Existing dwelling is approximately 5.94m in height)	0.20m

SURROUNDING LANDS:

North	Single detached dwellings and accessory structures (2730 Ireton St)
East	Ireton Street and single detached dwellings and accessory structures (2723 Ireton St)
South	Single detached dwellings and accessory structures (2724 Ireton St)
West	Significant Woodlands, Provincially Significant Wetland

ANALYSIS:

Site Inspection Date	July 5, 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 which permits single detached dwellings and accessory structures on the subject property. The subject property is outside of the Town's settlement areas and is entirely regulated by the Lake Simcoe Region Conservation Authority (LSRCA).</p> <p>Section 19.2.10 states development shall be undertaken in conformity with the residential design policies of Section 10.1. 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. The submitted elevations show the proposed garage is consistent with the existing one and two-storey buildings and structures in the area. The lot size can accommodate the proposed garage with the lot coverage being below the maximum total lot coverage for detached accessory structures at approximately 6% (vs. maximum 10%). The overall height of the garage is 5.20m which fits in with the neighbourhood and is lower than the existing dwelling (approximately 5.95m).</p> <p>Since the applicant has revised their drawings with reduced height, reduced footprint, removed/downsized some windows on the side of the garage, and other design modifications, Staff support that the reduced height from 5.71m to 5.20m and the reduced footprint from 107.04m² to 99.97m² can be considered minor, and the redesign better reflects Official Plan policies.</p>

	<p>The proposed detached garage is located on the western portion of the property of this large lot. Staff note, notwithstanding the site is zoned R1 which permits accessory structures, the garage is approximately 3m from the rear lot line, which is adjacent to the limits of a Provincially Significant Wetland and Significant Woodlands. In accordance with Section 17.1.15 and 17.1.16 of the Town's Official Plan, development shall not be permitted on adjacent lands (i.e., within 120m) to Key Natural Heritage Features and Key Hydrologic Features unless the ecological function of the adjacent lands have been evaluated through a Natural Heritage Evaluation (NHE). Staff note the LSRCA in their comments is requesting a planting/restoration plan in lieu of an NHE to provide a suitable wetland buffer in accordance with Lake Simcoe Protection Plan (LSPP) policies. Staff concur with the LSRCA recommendations for a planting/restoration plan to provide a wetland buffer, and recommend this as a condition. The LSRCA also notes through their review the proposed structure is located out of any floodplains, fulfilling the natural hazard policies of the Official Plan.</p> <p>Additionally, Staff request a tree protection and planting plan for the site as a whole, as a condition to ensure tree protection of any existing trees or any compensation for any trees to be removed.</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>
<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) Zone in the Town's Zoning By-law No. 080-13, which allows a maximum 50m² detached accessory structure. The applicant proposes a detached garage with a footprint of 99.97m² (49.97m² difference).</p> <p>The purpose and intent of 3.3 (b) of the Zoning By-law with respect to a maximum footprint of 50m² is to reduce visual bulk and massing of accessory structures on the property, to ensure the main structure on the subject property, in terms of scale and land use, is the principal dwelling, allowing for sufficient amenity space, and assisting in the regulation of lot coverage in terms of potential drainage/run-off.</p> <p>The proposal is within the maximum permitted lot coverage of 35% for the Residential 1 (R1) Zone and is also within the permitted 10% total lot coverage specifically for detached accessory structures. The lot is of sufficient size to accommodate the increased footprint. As such, the applicant would be able to develop multiple accessory structures while still complying with the lot coverage provisions.</p> <p>Staff also note Section 3.3 (f) of the Zoning By-law requires that accessory structures cannot exceed the height of the principal building on the lot or 5.0m, whichever is the lesser, which relates to the regulation of hierarchy of structures on a property and visual bulk and massing. The overall height of the detached garage to the mid-point of the roof (which is how height is measured under the Zoning By-law) is</p>

	<p>5.20m (to the top of roof it is 5.52m) which is lower than the existing dwelling but exceeds 5m (0.20m difference).</p> <p>The increased footprint and increased height of the garage is to accommodate vehicles and for storage purposes (there is no existing garage on the subject property). The existing dwelling is larger in area than the proposed garage, maintaining the dwelling as the principal building and use on the property. Additionally, the proposed garage complies with all other provisions in the Zoning By-law, including lot coverage and all yard setbacks. Proposed setbacks are greater than required (minimum 1m rear yard and 1m interior side yard required for R1 Zone) and 3m or greater is proposed.</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 detached garage is located on the west side of the property in the rear yard and has a significant separation distance from any neighbouring structures. Further, the proposed garage takes advantage of an existing driveway, would have the least impacts to neighbouring properties. It is not uncommon for dwellings along Ireton Street to have oversized detached garages in the rear yards (e.g. 2736 Ireton Street). The variances are required due to the requirements of the maximum footprint and minor increase in height. The lot is larger than the minimum 600m² lot area requirement for an R1 Zone (1700m²) and the setbacks are greater than required for an accessory building (1m interior side and 1m rear setback). The increases in the footprint and height are compatible with the surrounding uses. The structure is outside of the floodplain and the LSRCA recommends a planting/restoration plan for a buffer to the wetland.</p> <p>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>Staff are of the opinion both variances could be considered minor, subject to conditions, considering the size of the lot, proposed location of the accessory structure on the property, having limited impacts to neighbouring properties, the accessory structure meeting all other provisions of the Zoning By-law, and design changes. Staff note the proposed garage is not permitted to be used for commercial purposes, but only for the use permissions permitted in an R1 Zone.</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: July 12, 2023

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

FILE/APPLICATION: A-035 & 036-2023

SUBJECT: 2726 Ireton 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).

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 comment.



Sent via e-mail: thaghshenas@innisfil.ca

July 13, 2023

Municipal File No.: A-035-2023 & A-036-2023
LSRCA File No.: VA-134167-070623

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**
2726 Ireton St
Town of Innisfil
Owner: Felix Guerra
Agent: Isaac He

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 99.97 square metre detached garage and are seeking relief from the following sections of the Town of Innisfil's Zoning By-law 080-13, as amended:

- i. **Section 3.3 (b):** which permits a maximum footprint of 50 square metres for an accessory building whereas an accessory building with a 99.97 square metre footprint is proposed.
- ii. **Section 3.3 (f):** which permits a maximum height of 5.0 metres for an accessory building, whereas a height of 5.52 metres is proposed.

Documents Received and Reviewed by Staff

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

- Site plan and drawings (n.d.)

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

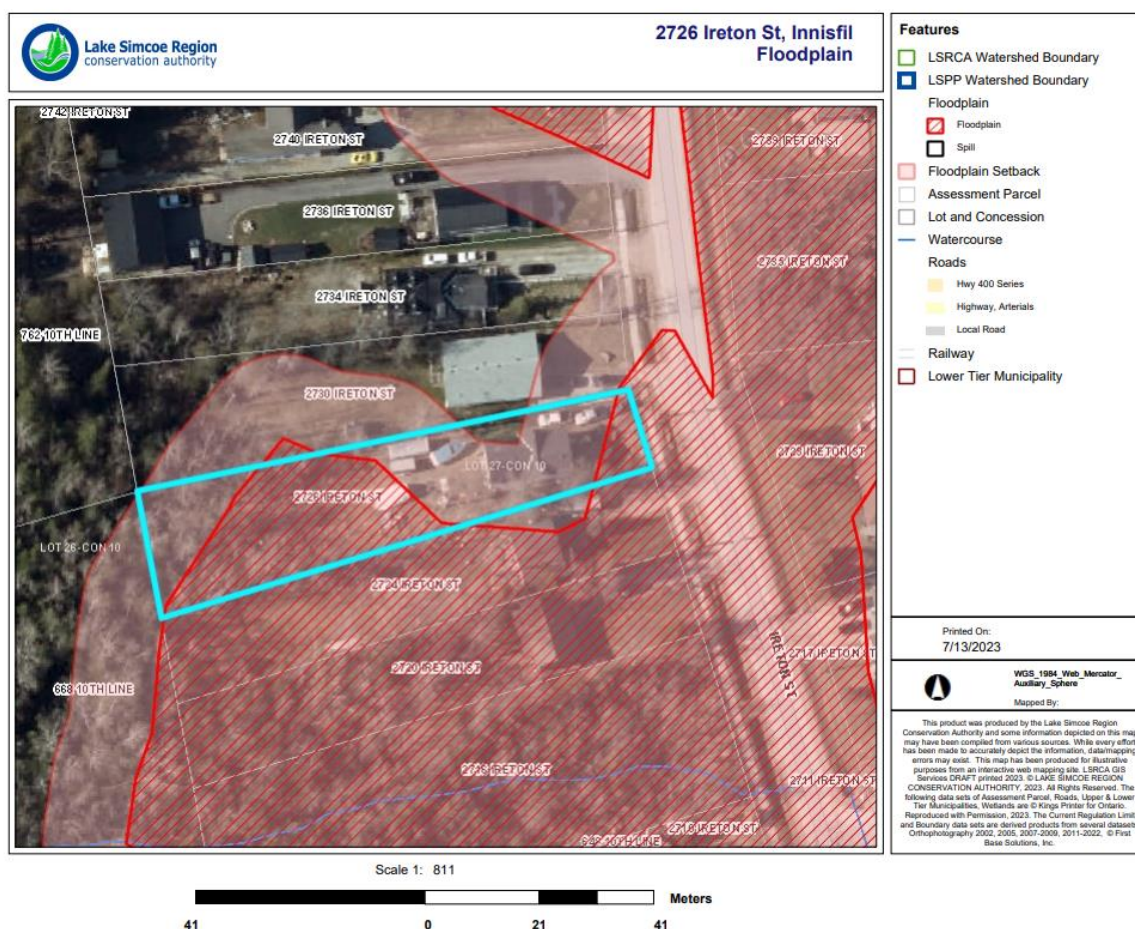
Based on our review of the submitted information, in support of this application, we have no objection to the proposed minor variances. It is recommended that any approval of this application be subject to the following conditions:

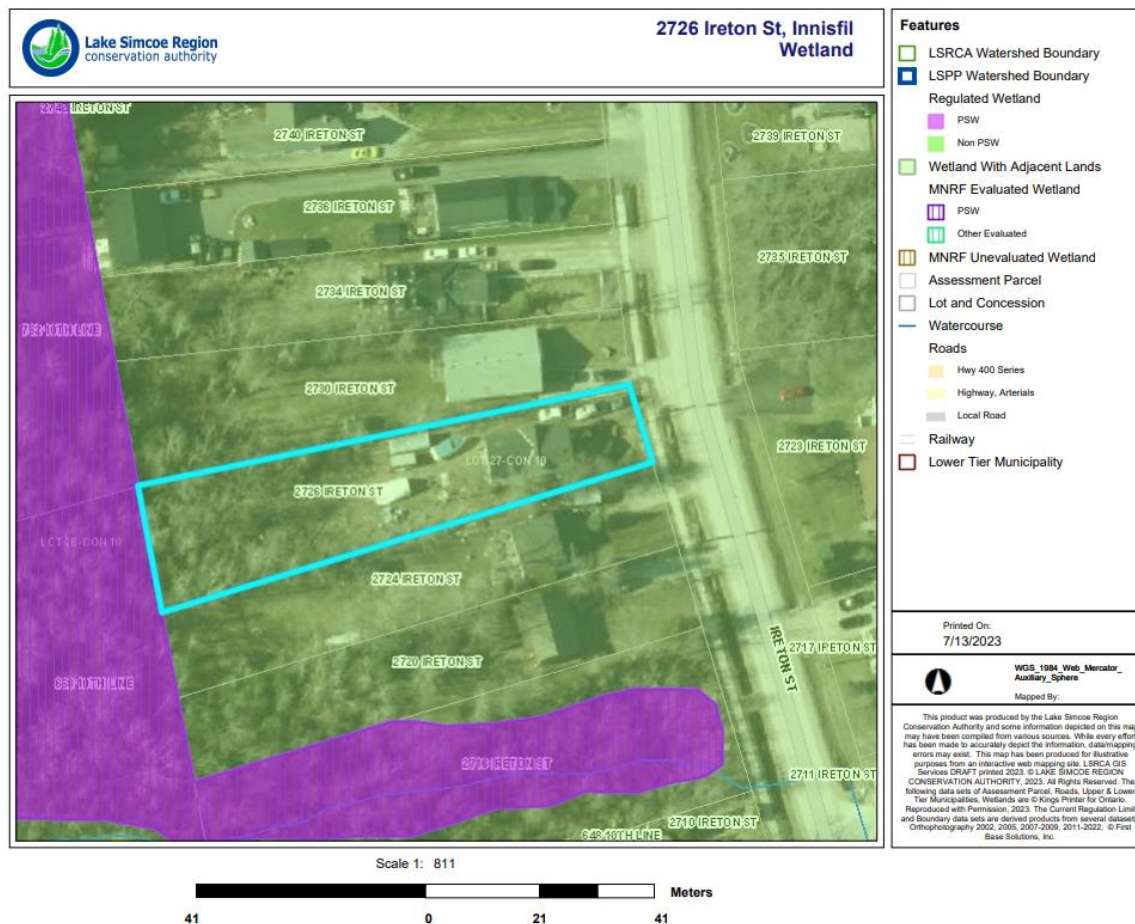
- That the Applicant/Owner provide the required fee payment for Minor Variance (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule; and
- That a planting/restoration plan be prepared for the buffer to the key natural heritage features to the satisfaction of the LSRCA.

Site Characteristics

Existing mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06 for the following:
 - Floodplain; and
 - 120 m lands adjacent to Provincially Significant Wetland (PSW).





Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

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). The proposal is consistent with 3.1 of the PPS as the provided topographic survey shows that the proposed garage will be located outside of the floodplain.
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 for this proposal was issued on January 26th, 2023. Should any changes or additional works be proposed, a permit revision or additional permit may be required from the LSRCA.

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.

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. We note the subject lands are not located within these areas. As such, the below comments are in relation to natural heritage.

Lake Simcoe Protection Plan (LSPP), 2009

The LSPP advises that key natural heritage features include wetlands and significant woodlands. Wetlands are also considered key hydrologic features. There are identified key natural heritage and key hydrologic features along the western property line.

6.23-DP of the LSPP states, *"Development or site alteration is not permitted within a key natural heritage feature, a key hydrologic feature and within a related vegetation protection zone referred to in policy 6.24"*, with exceptions. 6.24-DP of the LSPP advises of the minimum vegetation protection zone for key natural heritage and hydrologic features being 30 metres. The proposal is for development within the 30 metre minimum vegetation protection zone to the key natural heritage and hydrologic features.

6.45-DP of the LSPP comments on existing uses which is an exception listed under 6.23-DP. Specifically 6.45 d. states, *"The expansion to existing agricultural buildings and structures, residential dwellings and accessory uses to both, may be considered within a key natural heritage feature, a key hydrologic feature, and any minimum vegetation protection zone associated with these features or the Lake Simcoe shoreline, if it is demonstrated that:*

- i. there is no alternative to the expansion or alteration and the expansion or alteration is directed away from the feature and vegetation protection zone to the maximum extent possible, and*
- ii. the impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible."*

In lieu of a Natural Heritage Evaluation (NHE) the LSRCA requires a planting/restoration plan for the buffer to the key natural heritage and hydrologic features in order to demonstrate conformity with the above noted policies of the LSPP. Plantings must consist of natural, self-sustaining vegetation. Enclosed is a list of plants native to the Lake Simcoe watershed.

Additionally, please note, if any tree removals are proposed on the site in order to facilitate the development, the removals will need to take place outside of the breeding bird window (April 1st – August 31st).

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; and
- That a planting/restoration plan be prepared for the buffer to the key natural heritage features to the satisfaction of the LSRCA.

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 has been issued for the proposed detached garage. Should any changes or additions be proposed, a permit revision or new permit may be required.

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>

MEMORANDUM TO FILE

DATE: July 14, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-035-2023, A-036-2023 (2726 Ireton Street)
SUBJECT: Committee of Adjustment Applications – July 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.

A-035 and A-036-2023 – 2726 Ireton St

Public Comment #1:

I'm concerned with the size of this garage. it is double the mandatory footprint. Seems to need it for commercial use. This home owner brings a lot of "stuff" to their yard and should rent a commercial space instead of building this garage. Give an inch, take a mile. He has already built a deck on the back of his house without a permit. I'm concerned the wetlands in the back of us will be affected just like my neighbor has encroached on it with their huge garage which should not have been allowed.

Public Comment #2:

I live next door to 2736 Ireton which has a building of this size which creates all kinds of car, motorcycles, skidoos, all with loud exhaust noise. Certainly do not need another 2 doors down in the other direction. Concerns about encroachment on to the environmental protected land behind property. Question the already grading without a permit with questionable sand, where did it come from and is it contaminated. Have concerns on what the use of this building will be ie illegal housing. This is a residential property, let's keep it that way. Over the short period of time that said property owner has taken title of this property, there has already been numerous noise complaints. All in all not a good neighbour, has no respect for his neighbours. Would you like to have a building of this size built next door to your property?