

# **Summary of Comments**

## A-038-2023 – 988 Ferrier Ave



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-038-2023  
**MEETING DATE:** July 20, 2023  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Darren Ding  
Planner/Placemaker  
**SUBJECT:** Minor variance application A-038-2023 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for maximum height for a principal use.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	988 Ferrier Avenue
<b>Legal Description</b>	PLAN M16 LOT 32
<b>Official Plan</b>	Residential Low Density 1 (Schedule B3), Hazard Land Area Overlay
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends deferral of A-038-2023 Minor Variance Application requesting relief from Table 4.2a of the Town's Zoning By-law 080-13 until some design changes are proposed (e.g. roof pitch or other options) to reduce the height closer to 9m.

### REASON FOR APPLICATION:

The applicant is proposing to construct a new dwelling on the subject lands at a height of 9.9m, whereas a maximum height of 9m is permitted per Table 4.2a.

Application Number	By-law Section	Requirement	Proposed	Difference
A-038-2023	4.2a	9m	9.9m (to midpoint of roof)	0.9m (10% difference)

### SURROUNDING LANDS:

<b>North</b>	One-storey single-detached dwelling (992 Ferrier Ave)
<b>East</b>	Ferrier Avenue and one-storey single-detached dwelling (987 Ferrier Ave)
<b>South</b>	One-storey single-detached dwelling (984 Ferrier Ave)
<b>West</b>	Vacant lands (treed)

### ANALYSIS:

<b>Site Inspection Date</b>	July 5, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 on Schedule B3 which permits single-detached dwellings. The neighbourhood is characterized by mostly one storey dwellings.</p> <p>Lefroy is an Urban Settlement Area as per Schedule A. Section 10.1.40 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. Furthermore, Section 10.1.41 states that 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.</p> <p>Staff have some concerns about allowing larger dwellings in what has historically been an area of smaller single-detached dwelling, in the context of the above policies, and where high water tables often result in two storey designs with crawl spaces that are designed taller than those with conventional basements. Also, Lefroy has Urban Design Guidelines, which should be considered in evaluating new development.</p> <p>The Lefroy Urban Design Guidelines identify the neighbourhood as 'N5'. They state that new residential lots in N5 are <i>“expected to respect the design principles and strategies of these guidelines, while integrating with built form qualities of the surrounding lots”</i>.</p> <p>Section 4.2 states that new development in Lefroy is expected to exhibit a high standard of architectural design quality, and that new buildings are to be carefully integrated into the existing local development context. For example:</p> <p><i>“They shall be designed according to their location within the community and relate to the street hierarchy through appropriate siting, massing, height, articulation, style and detailing.”</i></p> <p><i>“Scale, height, massing and roof form should be compatible with the importance of the adjacent street while retaining a human scale to encourage pedestrian activity.”</i></p> <p><i>“Lot types and housing within individual streetscapes should be arranged to facilitate smooth transitions between dwellings and lots of different types. Streetscape development shall be typified by gradual transitions of dwelling height, setback, scale and massing. Abrupt changes in massing of adjacent structures and/or lot widths are to be avoided.”</i></p> <p><i>“Development in existing neighbourhoods...should have regard for setbacks and built form of adjacent existing development.”</i></p> <p>Staff also recommend a tree preservation and protection plan be submitted, consistent with Section 15.1.6 of the Official Plan, and also</p>

	<p>Section 15.1.2, which states there shall be no net loss of trees as a result of development.</p> <p>Based on the above, Staff recommend deferral until some design changes are proposed such as changes to roof pitch or variation on the second storey to reduce visual bulk and massing of the dwelling, so that the structure satisfies Official Plan and Lefroy Urban Design Guidelines.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential 1 (R1) Zone in Town of Innisfil Zoning By-law No. 080-13, which allows a dwelling up to 9m in height per Table 4.2a.</p> <p>The purpose and intent of Table 4.2a of the Zoning By-law with respect to a maximum 9m height is to ensure that dwellings do not overshadow and negatively impact neighbouring properties in terms of shadowing, noise or privacy, and also to reduce visual bulk and massing of structures in general on a property.</p> <p>The overall height of the dwelling to the mid-point of the roof (which is how height is measured under the Zoning By-law) is 9.9m (to the top of roof it is approximately 12m). The dwelling is substantial in size and due to Lake Simcoe Region Conservation Authority (LSRCA) regulations must have a higher than normal basement slab, thus elevating the remainder of the proposed two storey dwelling above 9m. While a higher than normal basement slab may be a technical requirement, this does not necessarily mean Staff support a higher dwelling than the maximum 9m limitation.</p> <p>Staff recommend deferral until further discussions are had with the applicant respecting the Lefroy Urban Design Guidelines and reducing the visual bulk and massing of the structure. Staff are requesting design changes to ensure the proposal maintains the general intent of the Zoning By-law in terms of height, visual bulk and massing impacts.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>Homes in the immediate vicinity of the subject lands, and homes in the area that in general characterize the streetscape of Ferrier Avenue, are mostly one storey bungalows. There is only one precedent in the surrounding neighbourhood to allow height increase (990 Gilmore Ave, File No. A-049-2020). However, Staff note that the original requested height for 990 Gilmore Ave was 9.60m, which was not supported by Staff. Since the resubmission reduced the height to 9.14m, increased side yard setbacks and provided visual screening with trees and hedges, the application was supported by Staff and finally approved by the Committee of Adjustment.</p> <p>Based on the above, Staff have concerns about the proposed height of the dwelling and the visual bulk and massing of the structure in general, in context. Staff wanted to keep consistent with previously approved height variances and to avoid potential precedent resulting in increasing applications requesting height increases due to the water table which may allow taller than 9m infill homes that do not</p>

	necessarily reflect Urban Design Guidelines or the existing streetscape. Adjustments to roof pitch or other design options may bring the dwelling closer to 9m.
<b>The variance is minor in nature:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>As stated above, Staff had some concerns that the scale of the variance (0.9m above maximum height) and design of the dwelling was not 'minor' in the context of the surrounding neighbourhood streetscape. A 0.6m height increase at 990 Gilmore was also not considered minor and design changes were provided which reduced the height to 9.14m. Adjustments to roof pitch for example may bring the structure closer in conformity.</p> <p>When design changes are proposed or further justification is provided by the applicant, Staff will comment on whether the proposal to construct a detached dwelling with an increase in height is determined to be minor in nature.</p>

**PREPARED BY:**

Darren Ding  
Planner/Placemaker

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



Sent via e-mail: thaghshenas@innisfil.ca

July 13, 2023

Municipal File No.: A-038-2023  
LSRCA File No.: VA-130189-070623

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**  
**988 Ferrier Ave**  
**Town of Innisfil**  
**Owner: Guiseppe Ingolia**

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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 new single-family dwelling and are seeking relief from the following section of the Town of Innisfil's Zoning By-law 080-13, as amended:

- i. **Section 4.2a F:** which permits a maximum building height of 9 metres in R1 zoned properties, whereas the proposal is for a new home with a height of 9.9 metres.

**Documents Received and Reviewed by Staff**

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

- Site plan and drawings (dated November 6<sup>th</sup>, 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**

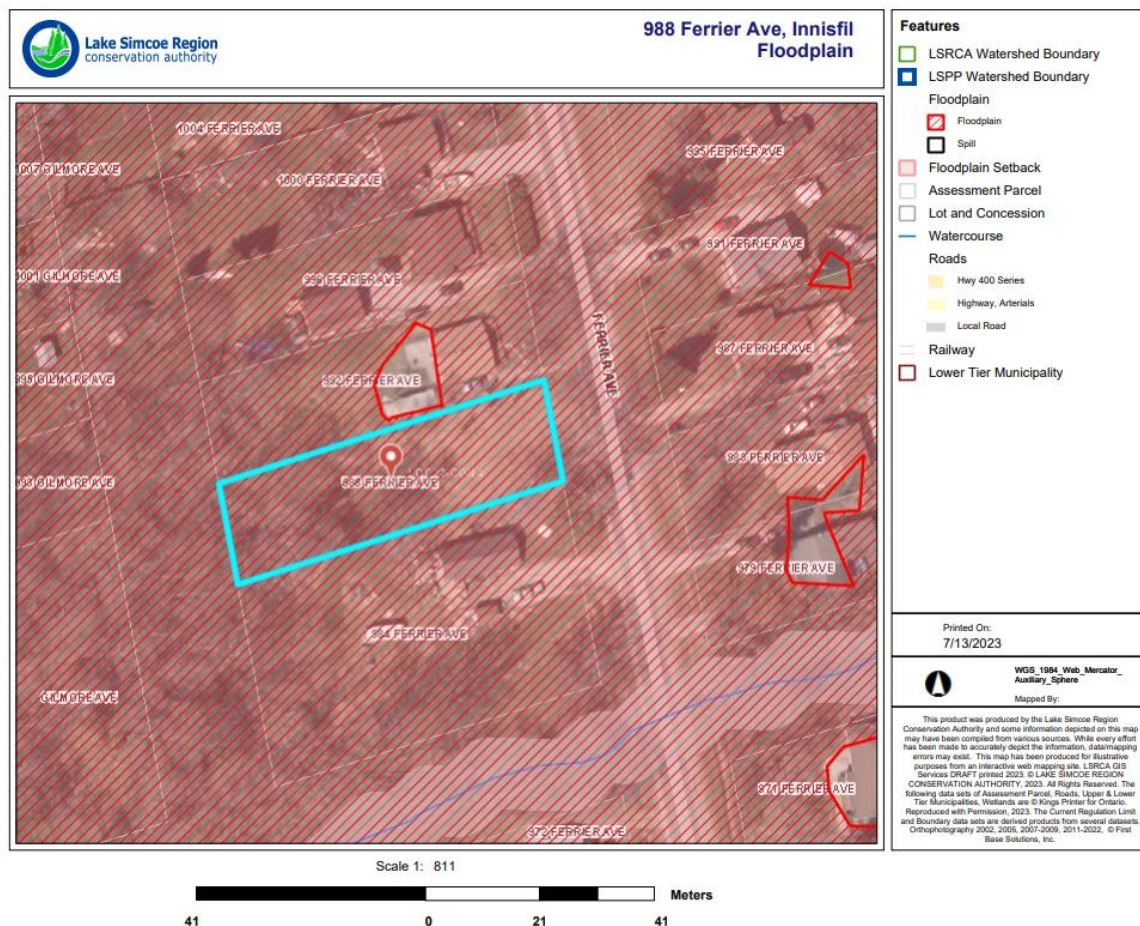
Based on our review of the submitted information, in support of this application, we have no objection to the proposed minor variance. It is recommended that any approval of this application be subject to the following condition:

- 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 entirely regulated by the LSRCA under Ontario Regulation 179/06 for floodplain.



*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 variance is generally consistent with 3.1 of the PPS. Further consistency with the PPS has been demonstrated through the LSRCA permit 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 for this proposal was issued on May 4<sup>th</sup>, 2023. Should any changes or additional works be proposed, a permit revision or additional permit may be required from the LSRCA.

**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 has been issued for the proposed new dwelling. 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





Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** July 12, 2023

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

**FILE/APPLICATION:** A-038-2023

**SUBJECT:** 988 Ferrier Ave

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**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)

1. No comment.



MEMORANDUM TO FILE

**DATE:** July 14, 2023  
**FROM/CONTACT:** Anton Kalinin  
**FILE/APPLICATION:** A-038-2023 (988 Ferrier Avenue)  
**SUBJECT:** Committee of Adjustment Applications – July 2023  
Engineering Services Review Comments

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**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”).
- The Applicant/Owner shall enter into a **right-of-way activity permit (RAP)** prior to the issuance of building permit(s) with the Town and/or InnServices for all works completed within the Town’s road allowance, such as installation of new water and /or sanitary sewer laterals, and any changes that may be required to the existing water and/or sanitary sewer mains to service the lots. All works shall be completed in accordance with Town Standards and to the satisfaction of the Town and/or InnServices.
- The Applicant/Owner shall undertake and submit a scoped **hydrogeological assessment**, to the satisfaction of the Town, to address issues related to (as applicable) impacts to the existing well water supplies, impacts to nearby surface water bodies, design of sump pumps (if required), and indicating that the requirements of the Ontario Building Code for septic systems can be achieved for the dwelling, in accordance with the Town’s Official Plan.

**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):

Engineering has no conditions of approval.