

Summary of Comments

A-039-2023 – 3278 Oak St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-039-2023

MEETING DATE: July 20, 2023

TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment

FROM: Chris Cannon, Placemaker/Planner

SUBJECT: Minor variance application seeking relief from Section 3.18.1(e) of the Zoning By-Law to seek relief from the maximum garage projection of 1 metre beyond the main front wall of the principal building.

PROPERTY INFORMATION:

Municipal Address	3278 Oak Street
Legal Description	PLAN 906 LOT 17
Official Plan	Residential Low Density One (Schedule B5)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-039-2023, subject to the following conditions:

CONDITIONS:

- 1.) That the applicant provides a revised front elevation drawing to the satisfaction of the Town to add architectural features to further blend the garage in with the dwelling.
- 2.) That the variance only applies to the submitted revised drawings noted in Condition #1 and that any future development of the lands be subject to the Zoning By-law.
- 3.) That the existing mature trees and hedges along the property lines be protected and maintained to the extent possible 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, location of new trees, and tree protection measures during construction of the dwelling and attached garage.

REASON FOR APPLICATION:

The applicant is proposing to construct an addition to the single detached dwelling with an attached garage that projects 11.6m past the main front wall of the dwelling. Section 3.18.1(e) states on lots with a lot frontage of less than 20.0 metres, 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 1.0 metre beyond the main front wall of the principal building.

Application Number	By-law Section	Requirement	Proposed	Difference
A-039-2023	Section 3.18.1(e)	0 metre, or Maximum 1.0 metre garage projection if porch on front of dwelling	Projection of 11.6 metres	10.6 metre projection

SURROUNDING LANDS:

North	Low density residential
East	Oak Street, low density residential
South	Low density residential
West	Heavily wooded area, zoned Agricultural General (AG), designated Future Urban

ANALYSIS:

Site Inspection Date	June 29, 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 Residential Low Density One on Schedule B5 in the Town's Official Plan. Section 10.2.2 permits single detached dwellings 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. Section 10.2.7 states the maximum height of buildings shall not exceed two (2) storeys. The submitted elevation drawings note the dwelling is a bungalow with an attached two-car garage which fits within the character of the area of mainly one and two storey dwellings with attached garages. It is not uncommon for dwellings along Oak Street to have attached garages that project past the main wall of the dwelling since the lots are narrow. Section 10.1.44 states attached garages facing the front yard shall be designed to be proportional and not dominate the building façade and should not project beyond the front façade of covered front porch if provided. However, this is an addition to an existing dwelling built without a garage, in a neighbourhood that has a variety of dwellings, including those with projecting garages, and the projecting garage is proposed relatively far back on the property, which would lessen the impact on the streetscape. Also, the existing detached garage in the front yard is being demolished and is closer to the street than the proposed attached garage. Therefore, the Official Plan policy, in the opinion of Staff, would be maintained in terms of its general purpose and intent</p>

	<p>to preserve streetscapes not dominated by garages and to maintain the character of the community, subject to the proposed conditions, which include a tree preservation plan to assist in screening the garage.</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 and planting plan be submitted to the satisfaction of the Town.</p> <p>Given the above, as stated, Staff are of the opinion the application 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) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings.</p> <p>Section 3.18.1(e) states on lots with a lot frontage of less than 20.0 metres, 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 1.0 metre beyond the main front wall of the principal building. Based on a request to have a front facing garage similar to the existing garage as well as a proposed floor plan, and septic system in front yard, the application proposes a projection of 11.6 metres (38 feet) past the main front wall. Since a 1m (3.1 feet) projection is permitted due to the proposed front porch, the variance being requested is a 10.6m (34.77 feet) projection. The purpose of this provision is to ensure the garage does not dominate the streetscape.</p> <p>There is existing mature vegetation including hedging and a tree line along the property lines, which Staff have requested, as a condition of approval, be preserved to help screen the garage and dwelling from view and to reduce visual impacts to neighbouring properties. Staff also note there is an existing detached garage on the property that projects much further past the existing dwelling than the proposed development. Since the existing garage, which is currently located closer to the street than the proposed attached garage, will be demolished, the proposal would further set back the garage from the front lot line, and allow it to be screened via a tree preservation condition.</p> <p>Considering the above, the application maintains 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>Staff consider the variance desirable for the appropriate and orderly development of the land. The attached garage addition will be screened from view by existing mature vegetation, the garage will be set back much further than the existing garage, and the development complies with all other zone provisions including setbacks, height, and lot coverage.</p>

	Considering the above, the variance is desirable for the appropriate and orderly development of the land.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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, future architectural features to blend the garage in with the dwelling, fitting in with the character of the neighbourhood, and compliance with all other zoning provisions.</p> <p>In consideration of the above, Staff can consider the requested variance minor in nature.</p>

PREPARED BY:

Chris Cannon, Placemaker/Planner

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-039-2023

SUBJECT: 3278 Oak 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. 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-039-2023 (3278 Oak 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):

Engineering has no conditions of approval.

A-039-2023 – 3278 Oak St – Comments Received

Applicant Comment:

Our application is to seek relief from regulation 3.18.1.e). of by-law 080-13. The reason why we cannot comply with this regulation is because of the size and location required by the new septic filtration bed which is to be installed in conjunction with the renovation and addition of the existing dwelling. Due to the size and location of the septic filtration bed, which are determined by adjacent well locations and plumbing fixture counts of the renovations respectively, an existing detached garage on the property has already been demolished to make space for the bed. And a newly proposed garage can only be located as per our proposal in this application due to site constraints. Furthermore, as the owners of this property wish to make this dwelling their primary residence as they approach retirement, so in conjunction with the requirements of the filtration bed, it is the owner's wish to construct an attached garage, as opposed to a detached one, for their ease of access into retirement age. Likewise, the proposed location for the garage is ideal for this reason also. Moreover, a previous application for this same minor variance for this same property was in fact already made in 2022 and the minor variance was approved. The application number for the previous application is #A-026-2022. Due to unforeseeable delays in the project this past year, the previous approval for this minor variance had unfortunately expired earlier this year, which is why we are now returning to the Committee with this current application. We believe that the variance that we are asking for is minor in nature and do not contradict the spirit and intention of the Zoning By-laws at large, neither will it prohibit any neighbours from the enjoyment of their properties – as such, we sincerely ask for the approval of our minor variance by the Committee.

Public Comment:

"I'm still asking the question how can the garage be added on to the front of the house with the septic tank and tile bed in the front yard?"

I would object to the garage protruding over 11 metres from the front of the house as this would be an anomaly and an eyesore.