

# **Summary of Comments**

A-044 and A-045-2023 -  
3944 Lakeview Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-044-2023 & A-045-2023

**MEETING DATE:** September 21, 2023

**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment

**FROM:** Darren Ding  
Development Planner

**SUBJECT:** Minor variance applications seeking reliefs from Section 4.2a of the Zoning By-Law to decrease the minimum rear side yard setback from 6 metres to 0.69 metre and to decrease the minimum exterior side yard setback from 6 metres to 1.5 metres for a detached dwelling on the subject property.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	3944 Lakeview Road
<b>Legal Description</b>	PLAN 596 PT BLK A
<b>Official Plan</b>	Shoreline Residential Area (Schedule B11)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends deferral of A-044-2023 and A-045-2023 Minor Variance Applications requesting relief from Section 4.2a of the Town's Zoning By-law 080-13 until some redesign options (or relocation) are proposed. Alternatively, that planning justifications are provided showing any constraint(s) on the subject property that cannot allow the proposed development to comply with the setback requirements.

### REASON FOR APPLICATION:

The applicant is proposing to demolish the existing detached garage and expand the existing one-storey dwelling into a two-storey dwelling along with an attached garage with a decreased rear yard setback of 0.69m and decreased exterior side yard setback of 1.5m. The applicant is seeking reliefs from Section 4.2a of the Zoning By-law which requires minimum 6m for both rear yard setback and exterior side yard setback.

Application Number	By-law Section	Requirement	Proposed	Difference
A-044-2023	4.2a	Minimum rear yard setback 6m	0.69m	5.31m  (2.43 m closer than

		(Existing Legal non-complying dwelling 3.12m)		existing dwelling)
A-045-2023	4.2a	Minimum exterior yard setback 6m	1.5m	4.5m

#### SURROUNDING LANDS:

<b>North</b>	Single detached dwelling (3945 Lakeview Road)
<b>East</b>	Lakeview Road
<b>South</b>	Lakeview Road
<b>West</b>	Single detached dwelling (3934 Lakeview Road)

#### ANALYSIS:

<b>Site Inspection Date</b>	September 13, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Shoreline Residential Area on Schedule B11 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.</p> <p>The proposed development (including 1<sup>st</sup> storey dwelling addition, 2<sup>nd</sup> storey dwelling addition and attached garage addition) is located on the western portion of the property of this irregular lot. 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 development is consistent with the existing one and two-storey buildings and structures in the area. However, Staff is of the opinion that the lot size could accommodate the proposed additions with all setbacks (including rear yard and exterior side yard setbacks) complying with the minimum setback requirements.</p> <p>Based on the above, Staff recommend deferral until some alternative design options (or relocation) are proposed for the proposed development. Alternatively, please provide planning justifications showing any constraint(s) on the subject property that cannot allow the proposed development to comply with setback requirements.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) Zone in Town's Zoning By-law No. 080-13, which requires minimum 6m for both rear yard setback and exterior side yard setback of a dwelling. The applicant proposes 0.69m rear yard setback and 1.5m exterior side yard setback.</p> <p>The purpose and intent of Section 4.2a of the Zoning By-law with respect to a minimum rear yard setback is to allow reasonable amenity space, and to curtail visual bulk and massing on a site, as well as minimize concerns respecting stormwater run-off and drainage. Additionally, the purpose and intent of Section 4.2a of the Zoning By-</p>

	<p>law with respect to a minimum exterior side yard setback is to ensure that adequate separation distances are maintained from abutting streets while reducing building massing along the streetscape.</p> <p>The configuration of the lot under the Zoning By-law requires the west lot line is classified as the rear lot line as it is opposite the front lot line. Accordingly, the south lot line abutting Lakeview Road is classified as the exterior lot line. This unique configuration and location of the proposed dwelling would create a small rear yard and the structure would be in close proximity to both rear and exterior lot lines. As stated above, Staff is of the opinion that the lot size could accommodate the proposed development with all setbacks (including rear yard and exterior side yard setbacks) complying with the minimum setback requirements.</p> <p>Additionally, Staff note that the existing dwelling has a grandfathered (legal non-complying) rear yard of 3.12m. Considering the proposed rear yard is 0.69m which further substantially reduces the established compliance with the By-law requirement (Section 3.26 a) which allows expansions to non-complying structures but they cannot further reduce the non-complying setback, hence the requirement of a variance), Staff recommend deferral until design changes are proposed or further justification is provided.</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>The proposed development with reduced rear yard and exterior yard setbacks is not desirable for the appropriate/orderly development of the land. As stated above, Staff have concerns about the proposed setbacks of the dwelling and the visual bulk and massing of the structure in general, in context.</p>
<p><b>The variance is minor in nature:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff had some concerns that the scale of both variances (5.31m and 4.5m below minimum setbacks, respectively) and design of the dwelling was not 'minor' in the context of the surrounding neighbourhood streetscape.</p> <p>When design changes are proposed or further justification is provided by the applicant, Staff will comment on whether the proposal to expand the existing dwelling with decreases in both rear yard and exterior side yard setbacks is determined to be minor in nature.</p>

**PREPARED BY:**

Darren Ding  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



**Community Development Standards Branch**

**MEMORANDUM TO FILE**

**DATE:** September 15, 2023

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

**FILE/APPLICATION:** A-044 &045-2023

**SUBJECT:** 3944 Lakeview Rd.

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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. The proposed location of the addition appears to i potentially impact the spatial separation requirements regarding the proposed unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department) during the building permit process. The proposed setbacks may also require fire rated construction as per Ontario Building Code 9.10.15.5.

**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.



Engineering

## MEMORANDUM TO FILE

**DATE:** September 18, 2023

**FROM/CONTACT:** Adil Khan ex 3244 akhan@innisfil.ca

**FILE/APPLICATION:** A-044 and A-045-2023

**SUBJECT:** 3944 Lakeview Road

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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. Please check with the Planning 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 conditions of approval.