

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: December 14, 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 1.5 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.

PROPERTY INFORMATION:

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

RECOMMENDATION:

The Planning Department recommends approval of A-044-2023 and A-045-2023, 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 any existing trees and boundary trees be protected and maintained to the satisfaction of the Town to provide visual screening to the addition. 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.

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 1.5m 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 and exterior side yard setbacks.

Application Number	By-law Section	Requirement	Proposed	Difference
A-044-2023	4.2a	Minimum rear yard setback 6m (Existing Legal non-complying dwelling 3.12m)	1.5m	4.5m (1.62m closer than existing dwelling)
A-045-2023	4.2a	Minimum exterior yard setback 6m	1.5m	4.5m

SURROUNDING LANDS:

North	Single detached dwelling (3945 Lakeview Road)
East	Lakeview Road
South	Lakeview Road
West	Single detached dwelling (3934 Lakeview Road)

ANALYSIS:

Site Inspection Date	September 13, 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 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 1st storey dwelling addition, 2nd 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.</p> <p>Staff recommended deferrals at the September and October 2023 hearings, until some design changes are proposed such as consideration for greater rear yard setback (0.69m was considered too close for a two-storey dwelling, from a visual bulk and rear yard accessibility perspective, as well as a maintenance perspective, and was substantially smaller than the standard minimum 1.5m interior side yard setback requirements for dwellings in the R1 Zone)</p> <p>Since this time the applicant has revised their drawings with greater rear yard setback (1.5m revised vs 0.69m original), Staff are of the opinion that the 1.5m setback can allow better access to the rear yard</p>

	<p>and reduce visual bulk and massing of the dwelling relative to the neighbouring property to the west. Staff are of the opinion that subject to the conditions, the proposed development maintains the general intent of the Official Plan.</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 zoned Residential 1 (R1) Zone without municipal water and sewer services 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-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 that 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.</p> <p>Additionally, Staff note that the existing dwelling has a grandfathered (legal non-complying) rear yard of 3.12m. Staff recommended deferral until design changes are proposed to have a minimum 1.5m rear yard setback because Staff note 1.5m is the minimum interior side yard setback for an R1 zoned lot without municipal water and sewer services. As stated above, the applicant has revised rear yard setback (the proposed setback is now 1.5m from the west property line), which does not substantially reduce 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). Based on the above, Staff are of the opinion that the changes allow better access than the original proposal (0.69m setback) to the rear of the dwelling and reduce visual bulk and massing of structures on a lot.</p> <p>Subject to the conditions, the proposed development is considered to maintain the purpose and intent of the Zoning By-law.</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 development with reduced rear yard and exterior yard setbacks is desirable for the appropriate/orderly development of the land. As stated above, Staff have no major concerns about the proposed setbacks of the dwelling and the visual bulk and massing of the structure in general, in context of its relation to the street and neighbouring lands, as well as the context of the existing non-complying dwelling</p>
<p>The variance is minor in nature:</p>	

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Staff had some concerns about the scale of the variance for rear yard setback (originally 5.31m below minimum setback and 1.62m below the existing legal non-complying setback). Considering the design changes and revised setback, Staff consider both variances minor, subject to the conditions, which include a requirement for a tree protection and planting plan to ensure boundary trees continue to screen the property and proposed addition to the satisfaction of the Town.
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PREPARED BY:

Darren Ding
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: December 7, 2023

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

FILE/APPLICATION: A-044 &045-2023

SUBJECT: 3944 Lakeview Rd.

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 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.

MEMORANDUM TO FILE

DATE: November 3, 2023

FROM/CONTACT: Milan Boldin, milanb@innpower.ca

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

SUBJECT: 3944 Lakeview 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):

Customer responsible for meter base relocation to the outside of the addition and all costs involved with the relocation.

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)





Engineering

MEMORANDUM TO FILE

DATE: October 13, 2023

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

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

SUBJECT: 3944 Lakeview 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. 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.