

# **Summary of Comments**

A-017, A-018 and A-019-2024 -  
1648 Houston Avenue



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-017-2024, A-018-2024 & A-019-2024  
**MEETING DATE:** June 20, 2024  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris  
Senior Planner  
**SUBJECT:** Minor variance applications A-017-2024, A-018-2024 and A-019-2024 seeking relief from Section 3.3 f) of the Zoning By-law to increase the height of an accessory structure from 5m to 6.61m, Section 3.3 b) of the Zoning By-law to increase the gross floor area or footprint of an accessory structure from 50m<sup>2</sup> to 175m<sup>2</sup> and Section 3.3 d) to permit an accessory structure to be located closer to the front lot line than the principal building.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	1648 Houston Avenue
<b>Legal Description</b>	INNISFIL CON 6 PT LOT 26
<b>Official Plan</b>	Shoreline Residential Area (Schedule B12)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-017-2024, A-018-2024 and A-019-2024, subject to the following 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 existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. If any trees are proposed to be removed, 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, and location of new trees and tree protection measures during construction.

### REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage with a footprint of 101.4 m<sup>2</sup>, a gross floor area of 175m<sup>2</sup> and a height of 6.26m to be located in front of the principal dwelling on the subject lands. The applicant is seeking relief from 3.3 b) of the Zoning By-law, which requires a maximum gross floor area (GFA) or footprint of 50 m<sup>2</sup>, Section 3.3 d) which does not permit an accessory structure to be sited closer to the front lot line than the principal dwelling and Section

3.3 f) which requires an accessory structure to maintain a height shorter than the principal dwelling or 5m (whichever is lesser).

Application Number	By-law Section	Requirement	Proposed	Difference
A-017-2024	Section 3.3 f)	Maximum height cannot exceed height of principal dwelling or 5m (whichever is lesser)	Dwelling height: 8m Garage height: 6.26m	1.26m
A-018-2024	Section 3.3 b)	Maximum GFA or footprint of 50 m <sup>2</sup>	Footprint: 101.4m <sup>2</sup> GFA: 175m <sup>2</sup>	Footprint: 51.4m <sup>2</sup> GFA: 125m <sup>2</sup>
A-019-2024	Section 3.3 d)	No accessory structure shall be located closer to front lot line than principal dwelling	Dwelling setback: 22.8m Garage setback: 14.61m	8m in front of dwelling

**SURROUNDING LANDS:**

<b>North</b>	Vacant wooded lot zoned R1, single detached dwelling (1652 Houston Avenue)
<b>East</b>	Houston Avenue, single detached dwelling (704 Chandos Avenue)
<b>South</b>	Single detached dwelling (1640 Houston Avenue)
<b>West</b>	Woodlands zoned R1

**ANALYSIS:**

<p><b>Maintains the purpose and intent of the Official Plan:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The subject lands are designated Shoreline Residential Area on Schedule B12 of the Official Plan which permits single detached dwellings and accessory buildings/structures.</p> <p>Section 19.2.10 of the OP states development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.40 states that building height, massing and architectural features of infill development and intensification shall respect and fit into the context of the local character of the Primary, Urban and Village Settlements in which they are located. 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. Although the garage is closer to the street than the proposed dwelling, it has been designed to be shorter in height therefore reduces visual hierarchy concerns and generally fits in with the character of the neighbourhood. It is understood that the original design was to connect the house and garage with a breezeway, which would not have required variances. The elimination of the breezeway resulted in the proposed variances as the garage has become an accessory structure.</p>
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	<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, for any proposed tree removal.</p> <p>Subject to the recommended conditions, Staff are of the opinion that the application maintains the purpose and intent of the Official Plan</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></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 and accessory buildings/structures.</p> <p>Section 3.3 b) states the GFA or footprint of an accessory building or structure shall not exceed 50 m2 in any Residential Zone. The proposed footprint of the detached garage is 101.4 m2 and the GFA is 175m2. Section 3.3 f) states that no accessory building shall exceed the height of the principal building on the lot or 5m, whichever is lesser. The detached garage is proposed to be 6.26m in height which exceeds the maximum permitted 5m height as the dwelling is proposed to be approximately 8m in height. Section 3.3 d) states that no accessory building or structure shall be located closer to the front lot line than the principal building in any zone. The proposed garage is located closer to the front lot line than the principal dwelling, maintaining a 14.61m front yard setback where the proposed dwelling is setback approximately 22.8m from the front lot line.</p> <p>The purpose of these provisions is to ensure a hierarchy of structures is maintained between principal buildings and accessory structures on the property and to reduce visual bulk and massing impacts.</p> <p>The hierarchy of the proposed garage will be maintained as the garage will be shorter in height than the dwelling. The proposed garage maintains a significant 14m setback from the front lot line which exceeds the 8m standard front yard setback for a dwelling in the R1 zone. Additionally, a majority of the front lot line abuts an unopened portion of Houston Avenue which reduces the visual mass of the garage from open and maintained portion the street. The garage also meets all other applicable provisions including lot coverage and setbacks.</p> <p>As stated, it is understood that the original design was to connect the house and garage with a breezeway, which would not have required variances. The elimination of the breezeway resulted in the proposed variances as the garage has become an accessory structure. Visually, the difference in appearance with or without the breezeway is minimal based on the proximity of the garage to the dwelling.</p> <p>Finally, the subject lands are relatively large in area compared to adjacent lots, maintaining an area of 1741.9m2. The proposed dwelling and garage result in a 16.3% lot coverage which is minimal considering the standard lot coverage for the R1 zone is 35%. Visual bulk and massing impacts are thus further reduced based on the</p>

	<p>scale of the lot.</p> <p>Given the above comments and subject to the recommended conditions, Staff are of the opinion that the proposal maintains the general intent of the Zoning By-law.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b></p>	<p>As noted, the proposed detached garage is setback 14.16m from the front lot line which doubles the standard required setback for a dwelling, is shorter in height than the proposed dwelling maintaining an established hierarchy between accessory structure and principal dwelling and fits in with surrounding one and two storey dwellings in the neighbourhood.</p> <p>It is Staff's opinion that the proposed variances are desirable for the appropriate/orderly development and use of the land, subject to the conditions.</p>
<p><b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b></p>	<p>Staff are of the opinion the variances could be considered minor, subject to conditions, due to the size of the lot, siting of the garage and dwelling and the relationship between the heights of garage and dwelling, the garage being shorter than the dwelling and maintaining a significant setback from the front lot line. Staff do not anticipate any negative impacts to neighbouring properties and consider the variances to be minor in nature.</p>

**PREPARED BY:**

Keirsten Morris  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** June 18, 2024

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

**FILE/APPLICATION:** A-017, 018, 019 -2024

**SUBJECT:** 1648 Houston 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 structures, 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 comments.



Engineering

MEMORANDUM TO FILE

**DATE:** June 14, 2024

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

**FILE/APPLICATION:** A-017-2024, A-018-2024, & A-019-2024

**SUBJECT:** 1648 Houston Avenue

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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. No comment.

**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: [thaghsheenas@innisfil.ca](mailto:thaghsheenas@innisfil.ca)

June 13, 2024

**Municipal File No.: A-017-2024, A018-2024, &A-019-2024)**  
**LSRCA File No.: VA-516609-060524**

**Toomaj Haghshenas**  
**Development Planner**  
**2101 Innisfil Beach Road**  
**Town of Innisfil L9S 1A1**

Dear Toomaj,

**Re: Application for Minor Variance**  
**1648 Houston**  
**Town of Innisfil**  
**Owner: Jay Ferguson**  
**Applicant: Doug Betts**

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 Applicant/Owner is proposing to construct a detached dwelling and accessory structure (garage) The Applicant/Owner is seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 3.3 (b) of the By-law which restricts the maximum gross floor area or footprint for an accessory structure to 50 square metres, whereas the proposal is requesting a maximum gross floor area or footprint of 175 square metres of GFA and 101.4 square metres of footprint.
- Relief from Section 3.3 (d) of the By-law to allow for an accessory structure to be located in between the primary dwelling and the front lot line.
- Relief from Section 3.3 (f) of the By-law which restricts the maximum height for an accessory structure to 5.0 metres, whereas the proposal is requesting a maximum height of 6.26 metres.

**Documents Received and Reviewed by Staff**

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

- Minor Variance Application (dated April 22, 2024)
- Owner Authorization (dated May 15, 2024)
- Notice of Public Meeting
- Drawing Package (S0.1, S1.1, S1.2, S1.3, S1.4) prepared by Custom CADD (dated April 23, 2024)



Staff have 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 (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

### **Recommendation**

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

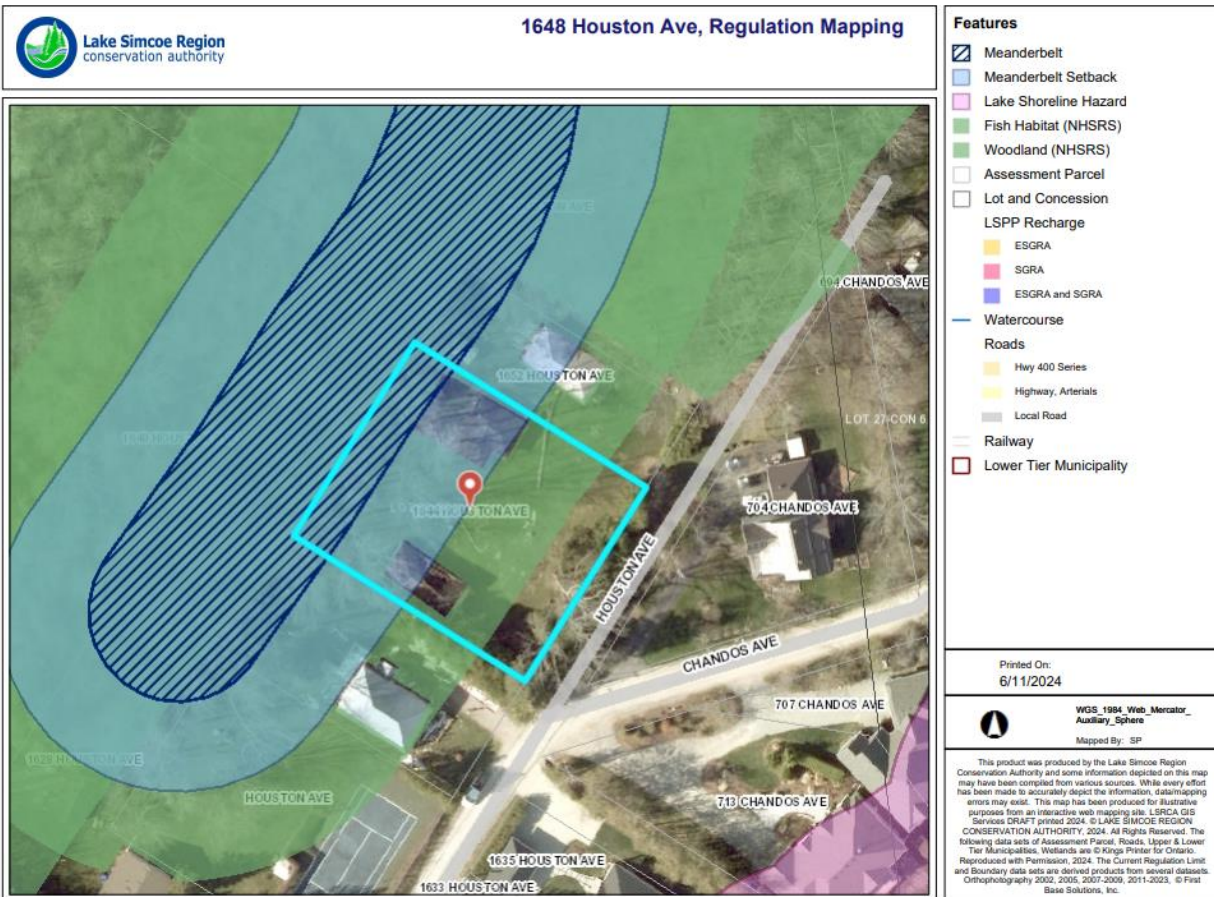
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

### **Site Characteristics**

The subject land is approximately 1,740.4 square metres (0.17 hectares) in land area and is located south of Cedarvale Drive and north of Houston Ave within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is located outside of the settlement area, within the ‘Shoreline Residential Area’ as per Schedule ‘B1’ of the Town of Innisfil Official Plan 2018, as amended.
- The subject land is within the ‘Residential One’ (R1) as per the Town of Innisfil’s interactive mapping.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for an erosion hazard associated with the Sylvan Creek. Please see a detailed regulatory map below.
- The subject property contains identified woodland areas.
- The subject property contains identified fish habitat areas.
- The subject property is located within a sub-watershed study area – Innisfil Creeks Subwatershed Plan.



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 (erosion hazard). Based on the information submitted as part of this application, the proposed accessory structure is located outside of the 15 metre erosion hazard associated with Sylvan Creek but partially within the 30 metre erosion hazard buffer. Thus, the subject proposal is generally consistent with 3.1 of the PPS.

Please be advised that the submission of an erosion hazard analysis, prepared by a qualified professional, will be required to address the erosion potential of Sylvan Creek prior to a permit being issued for any development within 15 metres of a watercourse. The erosion hazard analysis will need to address the impacts of the proposed development, and provide construction recommendations.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. 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.

Ontario Regulation 41/24 applies to a portion of the subject property. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

#### **Advisory Comments**

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

#### **Lake Simcoe Protection Plan, 2009 (LSPP)**

As per 6.25 of the LSPP, 'An application for development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature shall be accompanied by a natural heritage evaluation meeting the requirements of policy 6.26, unless the development or site alteration is for a purpose specified by policy 6.23.

The proposed development will be within 120 metres of the Lake Simcoe Shoreline, therefore will require the submission of a natural heritage evaluation to the satisfaction of the LSRCA. This study may be required prior to a permit being issued by LSRCA.

*As per 6.27-DP of the LSPP, "a proposal for new development or site alteration within 120 metres of the Lake Simcoe shoreline, a key natural heritage feature or a key hydrologic feature shall provide for the establishment and maintenance of natural self-sustaining vegetation to the extent and width of the associated vegetation protection zone..."*

The proposed development will be within 120 metres of the Lake Simcoe Shoreline, therefore will require the submission of a Planting Plan to the satisfaction of the LSRCA. Plantings are to be native, non-invasive, non-cultivar species. Enclosed is a list of plants native to the Lake Simcoe watershed. This plan may be required prior to a permit being issued by LSRCA.

**Summary**

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for Minor Variance.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to a portion of/the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place.
3. Matters pertaining to stormwater management and hydrogeology may be addressed through subsequent detailed design submissions.
4. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;

Please inform this office of any decision made by the Town of Innisfil 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 ([s.payne@lsrca.on.ca](mailto:s.payne@lsrca.on.ca)).

Sincerely,



Steven Payne  
Planner I  
Lake Simcoe Region Conservation Authority (LSRCA)