

Summary of Comments
A-007 and A-008-2024 –
1055 Spruce Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-007-2024 and A-008-2024
MEETING DATE: September 19, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-007-2024 And A-008-2024 seeking relief from Section 3.3(b) of the Zoning By-law for an increase to the maximum permitted footprint for an accessory structure from 50m² to 101.5 m²; and relief from Section 3.3(f) to increase the permitted height of an accessory structure from 5m to 5.72 m.

PROPERTY INFORMATION:

Municipal Address	1055 Spruce Road
Legal Description	PLAN 767 LOT 99
Official Plan	Residential Low Density 1 (Schedule B3)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-007-2024 and A-008-2024, subject to the following condition:

- 1.) That the variance only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.

Application Number	By-law Section	Requirements	Proposed	Difference
A-001-2024	3.3 b)	Max 50m ²	101.5m ²	+51.5 m ²
A-001-2024	3.3 f)	Max 5m	5.72m	+0.72m

REASON FOR APPLICATION:

The applicant is proposing to construct an addition to an existing detached garage structure in the front yard. The proposed garage addition will result in a footprint of 101.5 m², and a height of 5.72m. The applicant is seeking relief from Section 3.3(b) of the Zoning By-law which states that

the gross floor area or footprint of an accessory building or structure shall not exceed 50 square metres in any Residential zone, except in the Rural Residential zone. The applicant is also seeking relief from Section 3.3(f) of the Zoning By-law which states that no accessory building shall exceed the height of the principal building on the lot or 5.0 metres, whichever is the lesser. In this instance, the 5 m maximum would apply.

SURROUNDING LANDS:

North	Spruce Rd and Single-detached dwellings
East	Single-detached dwelling
South	Single-detached dwellings
West	Single-detached dwelling

ANALYSIS:

Site Inspection Date	September 4, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Lefroy-Belle Ewart. The subject lands are designated Residential Low Density 1 in the Town’s Official Plan (Schedule B3). The Residential Low Density 1 designation permits single detached dwellings and allows accessory structures including a detached garage. The detached garage is located in the front yard and the addition is considered of a reasonable scale proportionate to the lot that meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character. The proposed garage addition is reasonable in terms of location and size and represents appropriate development within the context of the character of the neighborhood. The proposed garage addition will result in a lot coverage below the permitted maximum lot coverage for accessory structures at approximately 8% (vs. maximum 10%). The overall height of the proposed garage is 5.72m which is considered to fit in with the neighbourhood and is lower relative to the height of the existing dwelling.</p> <p>The proposal in general meets the purpose and intent of the Official Plan subject to the proposed condition.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) in the Town’s Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, including detached garages.</p> <p>Section 3.3(b) of the Town’s Zoning By-law states the gross floor area or footprint of an accessory building or structure shall not exceed 50 square metres in any Residential Zone. The proposed gross floor area of the detached garage is 101.5 m². Section 3.3 (f) of the Zoning By-law states that that no accessory building shall exceed the height of the principal building on the lot or 5.0 metres, whichever is the lesser. The proposed height of the garage addition will be 5.71 m. The purpose of both provisions is to ensure the hierarchy of structures is maintained on the property and to reduce visual bulk and massing of structures on the property. The increase in floor area (53.14m²) will not provide a negative visual impact as far as massing and density. The principal dwelling will remain the dominant structure in terms of scale and use on the property due to its larger size and height. The</p>

	<p>property is also large enough that visual bulk and massing of the detached garage is not of significant concern.</p> <p>The proposed garage addition will maintain existing garage setbacks and complies with all other provisions in the Zoning By-law, including lot coverage.</p> <p>Staff are of the opinion the variance is in keeping with the general 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>The garage is located on the west side of the property in the front yard. The proposed garage addition takes advantage of an existing driveway and would have limited impacts to neighbouring properties due to adequate setbacks from property lines and compliance with all other zoning provisions. No trees will need to be removed, minimizing disturbance and visual impact. The property is located in a residential neighborhood; the proposed addition will not negatively impact the character of the neighborhood and will maintain consistency in terms of use.</p> <p>The reason for the additional requirement in size, according to the applicant, is to help store various personal items including vehicles and bikes that may otherwise be outside in plain view. The indoor space allows for secure storage and minimal visual impact.</p> <p>Given the proposed location and scale of the accessory structure addition and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion that the proposed variance could be considered minor, subject to the proposed condition, due to the proposed scale and location of the structure which will have limited impacts to neighboring properties, scale of the existing lot, and the proposed development meeting all other provisions of the Zoning By-law.</p>

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 13, 2024

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

FILE/APPLICATION: A-007 & 008-2024

SUBJECT: 1055 Spruce 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. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the 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: September 9, 2024

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

FILE/APPLICATION: A-007-2024 & A-008-2024

SUBJECT: 1055 Spruce 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. 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

September 18, 2024

Municipal File No.: A-007-2024 & A-008-2024
LSRCA File No.: VA-243895-090424

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

Dear Toomaj,

Re: Application for Minor Variance
1055 Spruce Road
Town of Innisfil
Owner: Meluin Currie & Christine Vautool

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 an addition to an existing detached accessory 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) to allow for an increase in the footprint of an accessory building from the maximum of 50 square metres to the requested 101.5 square metres.
- Relief from Section 3.3 (f) to allow for an increase in the height of an accessory building from the maximum allowed 5 metres to the requested 5.71 metres.

Documents Received and Reviewed by Staff

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

- Application for Minor Variance (dated March 20, 2024)
- Site Plan prepared by Blair Drafting and Design (dated May 27, 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 Planning Statement (PPS, 2024) 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

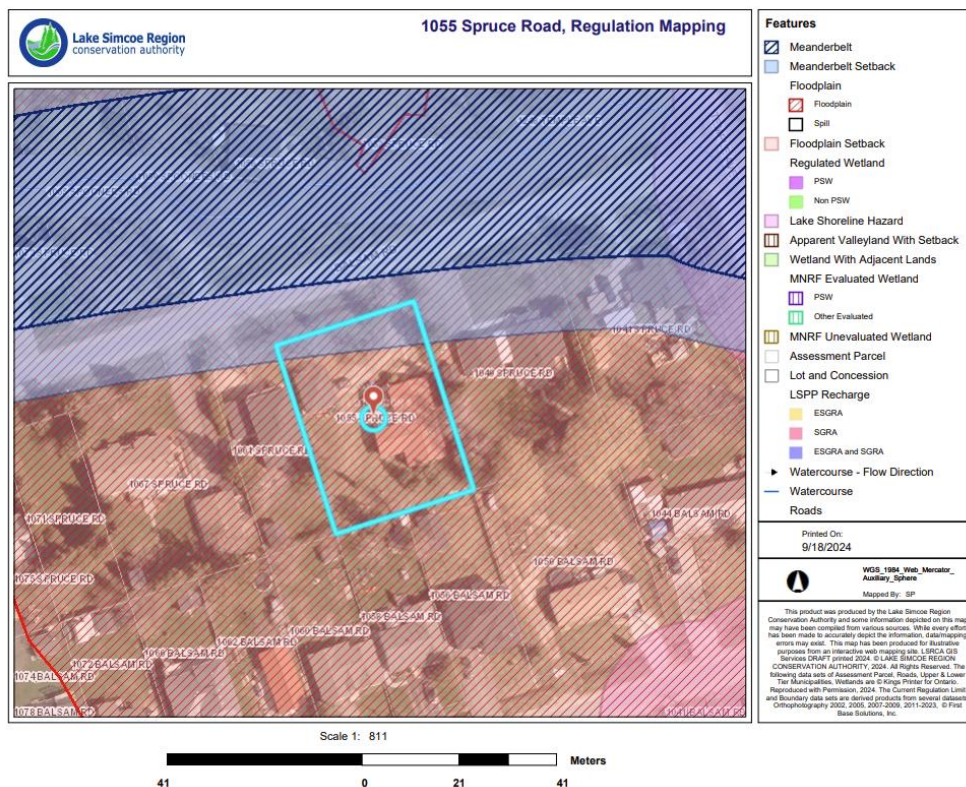
Based on our review of the submitted information in support of this application, the proposal is not in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend deferral of this application for Minor Variance until conformity with the natural hazard policies can be demonstrated through the submission of a topographic survey prepared by an Ontario Land Surveyor (OLS) in a geodetic format.

Site Characteristics

The subject land is approximately 1,262 square metres (0.13 hectares) in land area and is located south of Balsam Road and west of Temple Avenue within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Residential One’ (R1) as per the Town of Innisfil’s online interactive zoning map.
- The subject property is entirely regulated by the LSRCA under Ontario Regulation 41/24 for flood hazard associated with the Belle Aire Creek. Please see a detailed regulatory map below.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for erosion hazard associated with the Belle Aire Creek. Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or 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 5.2 of the Provincial Planning Statement (PPS). There are identified natural hazards on the subject lands (floodplain, erosion hazard area). Based on the information submitted as part of this application, the proposal is not in conformity with 5.2 of the PPS.

The proposed development appears to be located within LSRCA's regulated floodplain. As per Section 5.2.3 (d) of the Provincial Planning Statement (2024): "Development and site alteration shall not be permitted within: (d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."

As the development is currently proposed, LSRCA will require the applicant to complete a topographical survey prepared by an Ontario Land Surveyor (OLS) in a geodetic format to better understand the on-site conditions and ensure that no new flood hazards are created. Depending on the results of the topographical survey, LSRCA may request the completion of a floodplain analysis, or other additional studies as needed to ensure conformity with the relevant policies.

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 entirety 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*.

Summary

Based on our review of the submitted information in support of this application, the proposal is not in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend deferral of this application for Minor Variance until conformity with the natural hazard policies can be demonstrated through the submission of a topographic survey prepared by an Ontario Land Surveyor (OLS) in a geodetic format.

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

1. Consistency with Section 5.2 of the PPS has not been demonstrated;
2. Ontario Regulation 41/24 applies to the subject site. A permit from the LSRCA will not be required prior to any development taking place;
3. 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).

Sincerely,



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