

# **Summary of Comments**

A-040-2024 - 2571 Innisfil Beach Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-040-2024  
**MEETING DATE:** October 17, 2024  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris, Senior Planner  
**SUBJECT:** Minor variance application A-040-2024 seeking relief from Section 3.27 a) of Zoning By-law No. 080-13 to increase the gross floor area of a legal non-conforming detached garage.

### PROPERTY INFORMATION:

|                          |  |
|--------------------------|--|
| <b>Municipal Address</b> | 2571 Innisfil Beach Road   |
| <b>Legal Description</b> | CON 7 PT LOT 13 RP 51R-1666 PT PART 5  |
| <b>Official Plan</b>     | Agricultural Area and Key Natural Heritage Features & Key Hydrologic Features (Schedule B) |
| <b>Zoning By-law</b>     | Environmental Protection (EP) Zone   |

### RECOMMENDATION:

The Planning Department recommends approval of A-009-2024 to the following conditions:

1. That the existing trees be protected and maintained 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, and location of new trees and tree protection measures during construction of the garage addition.
2. That the variance apply exclusively to the submitted drawings and that any future development of the land be subject to the Zoning By-law.

### REASON FOR APPLICATION:

The applicant is proposing to add a 108.54m<sup>2</sup> addition to an existing legal non-conforming detached garage and is seeking relief from Section 3.27 a) which does not permit the gross floor area of a legal non-conforming use to be expanded.

| Application Number | By-law Section | Requirement  | Proposed   |
|--------------------|----------------|--|--|
| A-040-2024         | 3.27 a)        | Prohibits ground floor area increase of a legal non-conforming use | Increase ground floor area of a legal non-conforming detached garage by 108.54m <sup>2</sup> |

**SURROUNDING LANDS:**

|              |   |
|--------------|---|
| <b>North</b> | Innisfil Beach Road, vacant forested lands zoned EP                         |
| <b>East</b>  | Agriculturally zoned parcel with existing dwelling and accessory structures |
| <b>South</b> | Vacant forested lands zoned EP  |
| <b>West</b>  | Vacant forested lands zoned EP  |

**ANALYSIS:**

|   |   |
|---|---|
| <b>Site Inspection Date</b>   | October 9, 2024   |
| <b>Maintains the purpose and intent of the Official Plan:</b><br><input checked="" type="checkbox"/> <b>Yes</b><br><input type="checkbox"/> <b>No</b> | <p>The subject lands are designated Agricultural Area and Key Natural Heritage Features and Key Hydrologic Features (KNHF &amp; KHF) in the Town Official Plan. The existing detached garage and proposed garage addition is fully located with the Agricultural Area designation on the subject lands. A residential dwelling and accessory uses are permitted in the Agricultural Area designation in conjunction with a farm operation.</p> <p>Section 22.13.4 of the Official Plan states that limited expansion to a legal non-conforming use may be permitted subject to consideration of the need for the expansion, size of the expansion compared to the existing operation, increase in noise/vibration/dust/fumes etc., compatibility of the use with the surrounding area, appropriate buffering from neighbouring uses, traffic and parking impacts, adequacy of municipal servicing, potential impacts on the Natural Heritage System and any community benefits or improvements.</p> <p>The existing garage is proposed to be expanded to increase personal storage space of vehicles and maintenance equipment and is generally compatible with accessory structures on adjacent lots. The proposed garage addition is sited on the east side of the property and is screened by existing trees from the eastern neighbour. The addition is not anticipated to increase traffic or cause negative impacts to surrounding uses. The addition is not located in the KNHF or KHF designation and appears to be located in an already disturbed area on the property, therefore no negative impacts to any natural heritage or hydrologic features are anticipated.</p> <p>Section 15.1.6 states that a tree protection plan shall be required as part of development applications that identifies, preserves and compensates trees on the lot. The tree protection plan shall also address provision for native tree species consistent with Town of Innisfil Engineering Standards. There appear to be existing trees in proximity to the proposed garage addition which may require removal or preservation for the construction of the addition. As such, staff have recommended a condition requiring that the existing trees be protected and maintained to the satisfaction of the Town and that a Tree Preservation/Planting Plan be submitted for any proposed tree removal that includes tree protection measures for existing trees during construction of the garage addition.</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> |
| <b>Maintains the purpose and intent</b>   | The subject lands are zoned Environmental Protection (EP) in Zoning By-law 080-13, as amended which permits existing agricultural uses,   |

|   |   |
|---|---|
| <p><b>of the Zoning By-law:</b><br/> <input checked="" type="checkbox"/> <b>Yes</b><br/> <input type="checkbox"/> <b>No</b></p>   | <p>conservation and passive recreation and public uses. Residential and accessory uses are not permitted.</p> <p>The existing detached garage was built in 1995 which pre-dates the current zoning by-law. Therefore, the garage is considered legal non-conforming and is permitted to exist. However, Section 3.27 a) of the Zoning By-law does not permit the ground floor area of a legal non-conforming structure to be expanded. The general intent of this provision is to require variances where non-conforming uses are proposed to be expanded, to ensure appropriate setbacks are maintained, that the use continues to be compatible with adjacent uses and to ensure no negative impacts on neighbouring uses occur as a result of the expansion.</p> <p>The proposed garage addition will be screened from the adjacent property to the east by the existing trees and is proposed to be setback 12.6m from the east interior side lot line which exceeds the 10m required side yard setback for the EP zone. All other standards are also complied with including lot coverage, height and setbacks. Staff do not anticipate any negative impacts resulting from the garage addition as the use is well screened from adjacent lots and is compatible with accessory structures on adjacent lots.</p> <p>In consideration of the above and subject to the recommended conditions, the subject application maintains the purpose and intent of the Town's Zoning By-law.</p> |
| <p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b><br/> <input checked="" type="checkbox"/> <b>Yes</b><br/> <input type="checkbox"/> <b>No</b></p> | <p>In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the recommended conditions. The addition does not encroach further into the yards required by the existing EP Zone and lot coverage is low overall (only 5.64%). No negative impacts to adjacent uses are anticipated as the addition is well screened and compatible with adjacent uses.</p>  |
| <p><b>The variance is minor in nature:</b><br/> <input checked="" type="checkbox"/> <b>Yes</b><br/> <input type="checkbox"/> <b>No</b></p>  | <p>Staff are of the opinion that the proposed expansion of the existing garage is minor in nature. Given the scale of the lot and other matters previously discussed, it is considered minor subject to the recommended conditions.</p>   |

**CONCLUSION:**

The Planning Department recommends approval of application A-040-2024 subject to the recommended conditions.

**PREPARED BY:**

Keirsten Morris  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** October 10, 2024

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

**FILE/APPLICATION:** a-040-2024

**SUBJECT:** 2571 Innisfil Beach 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. All structures over 50m<sup>2</sup> 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: October 11, 2024**

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

**FILE/APPLICATION: A-040-2024**

**SUBJECT: 2571 Innisfil Beach 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. 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)

October 10, 2024

**Municipal File No.: A-040-2024**  
**LSRCA File No.: VA-497261-100224**

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

Dear Toomaj,

**Re: Application for Minor Variance**  
**2571 Innisfil Beach Road**  
**Town of Innisfil**  
**Owner: Martin Romar**  
**Applicant: Springwater Engineering Ltd. (Will Eisses)**

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 accessory structure with a proposed ground floor area of approximately 109 square metres. 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 3.27(a) of the By-law which prohibits the expansion of a legally existing, non-conforming use.

**Documents Received and Reviewed by Staff**

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

- Application for Minor Variance (dated August 28, 2024)
- Owner Consent (dated August 27, 2024)
- Drawing Package (SP, A101, A102, A103, A104, A105, A106, & A107) prepared by Springwater Engineering Ltd. (dated August 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 5.2 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 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:

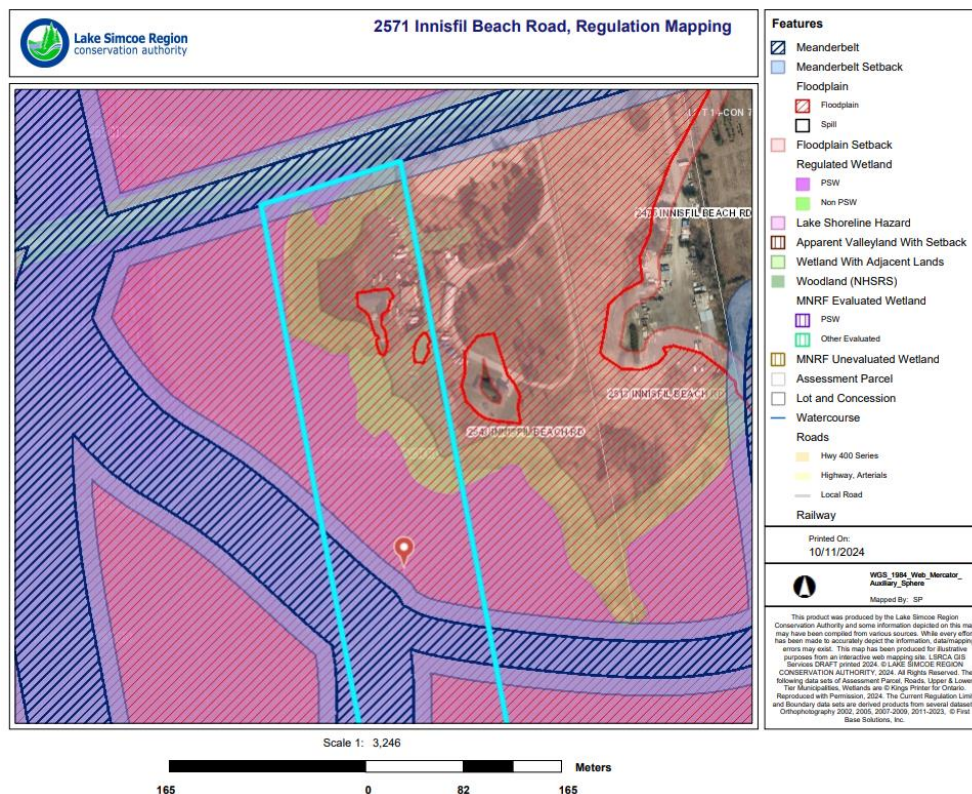
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully satisfy all of the conditions of the permit issued by LSRCA on August 28, 2024.

**Site Characteristics**

The subject land is approximately 79, 244 square metres (7.9 hectares) in land area and is located South of Innisfil Beach Road and west of Yonge Street within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Environmental Protection Zone’ (EP) as per the Town of Innisfil’s interactive zoning map.
- The subject property is entirely regulated by the LSRCA under Ontario Regulation 41/24 for an erosion and flood hazard associated with Lovers Creek and an identified Provincially Significant Wetland. Please see a detailed regulatory map below.
- The subject property contains identified woodland areas.



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 generally consistent with 5.2 of the PPS.

As per Section 5.2.5 (b) of the provincial Planning Statement 2024; “development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems: (b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.”

The proposed redevelopment meets the intent of a minor addition and is not anticipated to cause further obstruction to the floodplain. The proposed minor addition will be floodproofed to LSRCA’s satisfaction as per the permit approved by LSRCA on August 28, 2024.

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 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.

LSRCA staff note that the Applicant/Owner has obtained a permit from the LSRCA regarding the proposed minor addition to an accessory structure submitted as part of this application (LSRCA file no. IP.2024.061).

### **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 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 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to the subject site. LSRCA's support for this application shall be conditional on Applicant/Owner satisfying the conditions of the permit issued by LSRCA on August 28, 2024.

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)