

# **Summary of Comments**

## A-043-2024 - 1063 Garden Ave



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-043-2024  
**MEETING DATE:** November 21, 2024  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Ingrid Li, Development Planner  
**SUBJECT:** Minor variance application A-043-2024 seeking relief from Section Table 4.2a of Zoning By-law No. 080-13 to reduce the required minimum exterior side yard setback from 6m to 3.3m in support of a dwelling addition.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	1063 Garden Ave
<b>Legal Description</b>	PLAN M339 LOT 204
<b>Official Plan</b>	Residential Low Density One (Schedule B1)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-043-2024 subject to the following conditions:

1. That the variance only applies 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. 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 dwelling addition with an exterior side yard setback of 3.3 m (Ashwood Ave). The applicant is seeking relief from Table 4.2a of the Zoning By-law which requires the exterior side yard setback to be a minimum of 6m for the principal dwelling.

Application Number	By-law Section	Requirement	Proposed	Difference
A-043-2024	Table 4.2a	Minimum Exterior Side Yard Setback: 6m	3.3m	2.7m

**SURROUNDING LANDS:**

<b>North</b>	Single detached residential lots
<b>East</b>	Single detached residential lots
<b>South</b>	Single detached residential lots
<b>West</b>	Single detached residential lots

**ANALYSIS:**

<b>Site Inspection Date</b>	November 6, 2024
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Residential Low Density One on Schedule B1: Land Use Alcona in the Town’s Official Plan. Section 10.2.2 permits single detached dwellings and accessory structures on the subject property. The property currently contains a single detached dwelling and accessory structures. The proposed variance with respect to the use of dwelling addition, maintains the purpose and intent of the Official Plan.</p> <p>Section 10.2.7 states the maximum height of buildings shall not exceed two (2) storeys. The proposed elevation drawings conform with this policy, proposing two (2) storey dwelling addition, and the overall height of the building remains the same.</p> <p>Section 15.1.2 of the Official Plan states that all development applications within settlement areas shall require that there be no net loss of trees and 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 mature trees along the exterior side lot line of the subject lands. As such, staff have recommended a condition requiring that the existing boundary 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 in accordance with OP policies 15.1.2 and 15.1.6.</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 of the Zoning By-law:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, as amended, which permits single detached dwellings and accessory buildings and structures. Table 4.2a requires a minimum exterior side yard setback of 6m for single detached dwellings whereas the application proposes an exterior side yard setback (Ashwood Ave) of 3.3 m (2.7m difference).</p> <p>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 sufficient sightlines for traffic, allow appropriate grading to the street, adequate separation distances are maintained from abutting streets while reducing building massing along the streetscape. The property is</p>

	<p>surrounded by existing residential development and land use compatibility is not an issue.</p> <p>As per the submitted survey, the existing dwelling is in full compliance with the Zoning Bylaw, having 6m setback to the exterior side lot line. The proposed 2-storey dwelling addition will align with the existing dwelling in both width (exterior side) and height, avoiding any significant alteration to the building’s overall massing and appearance from the street, which appears to be minor adjustment from the existing situation. Further, Staff note in other residential zones such as R2 or R3, a 3m exterior side yard setback has become the standard and does not cause issues in terms of sightlines, separation distance or grading.</p> <p>Parking is contained on site in the front yard and the proposed dwelling addition would not appear to impede site triangles on the intersection of the two local roads, Garden Ave and Ashwood Ave, as per Section 3.39.1 in the Zoning By-law.</p> <p>To minimize visual impacts of the new dwelling addition, Staff have requested a tree preservation and planting plan as a condition. Staff request the existing mature trees along Ashwood Ave be preserved or if these trees are damaged during construction, that new trees are planted along this side yard.</p> <p>In addition, the proposed development complies with the balance of zoning standards including other setbacks, height and lot coverage. We note that any proposed redevelopment of the existing swimming pool is subject to be in compliance with the Zoning Bylaw standards.</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>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>Given the short length of the Ashwood Ave, the reduced exterior side yard setback for that small portion of the new development will not adversely affect the neighbourhood or the overall streetscape. Sufficient access space and open space will be maintained on the property, the size and scale of the proposed development would in keeping with character of the neighbourhood and would not appear to cause any adverse impact or sightline issues. As such, staff are of the opinion that the variance is considered desirable for appropriate/orderly development of the land, subject to the recommended conditions.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The proposed addition to the existing single detached dwelling would not adversely impact the neighbouring property or dominate the existing streetscape of Ashwood Ave. In addition to the above analysis, Staff are of the opinion that the proposed variance for a reduced exterior side yard is considered minor in nature, subject to the recommended conditions.</p>

**CONCLUSION:**

The Planning Department recommends approval of application A-043-2024 subject to the recommended conditions.

**PREPARED BY:**

Ingrid Li  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** November 13, 2024

**FROM/CONTACT:** Jocelyn Penfold ex 3506 [jpenfold@innisfil.ca](mailto:jpenfold@innisfil.ca)

**FILE/APPLICATION:** A-043-2024

**SUBJECT:** 1063 Garden 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):

No comments.

**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)

No comments.



Engineering

MEMORANDUM TO FILE

**DATE:** November 15, 2024

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

**FILE/APPLICATION:** A-043-2024

**SUBJECT:** 1063 Garden 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.

## MEMORANDUM TO FILE

**DATE: November 14, 2024**

**FROM/CONTACT: Milan Boldin, [milanb@innpower.ca](mailto:milanb@innpower.ca)**

**FILE/APPLICATION: A-043-2024**

**SUBJECT: 1063 Garden 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):

**CUSTOMER RESPONSIBLE TO RELOCATE UNDERGROUND SERVICE AND ALL COSTS TO RELOCATE EXISTING UNDERGROUND SERVICE IF AFFECTED BY NEW ADDITION.**

**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)

