



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING  
APPLICATION NO. A-047-2024**

**TAKE NOTICE** that an application has been received by the Town of Innisfil from **James Hunter, Applicant**, on behalf of **1820839 Ontario Inc., Owner**, for a minor variance from Zoning By-law 080-13, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **PLAN 51M1045 BLK 39** and is known municipally as **299 Sunnybrae Avenue** and is zoned as “**Residential 1 Exception 52 Holding Symbol (R1-52(H))**”.

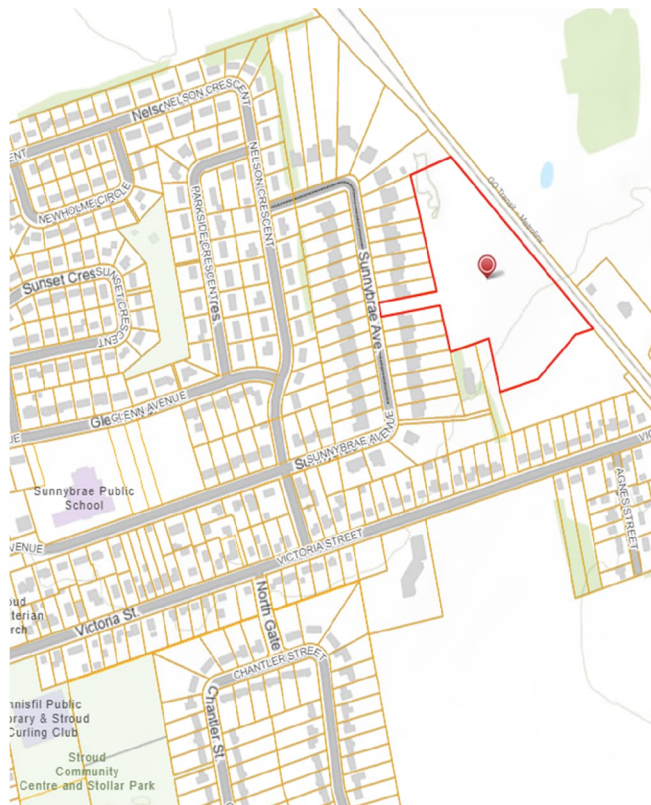
**The applicant is proposing to construct a home with an attached garage having an interior width of 53% of the width of the main wall of the dwelling. The applicant is seeking relief from Section 3.18.3(d) of the Zoning By-law which permits a maximum garage interior width of 50% of the main wall of the dwelling.**

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, November 21, 2024, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code: <https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to [planning@innisfil.ca](mailto:planning@innisfil.ca).

If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Ontario Lands Tribunal.



Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at [planning@innisfil.ca](mailto:planning@innisfil.ca).

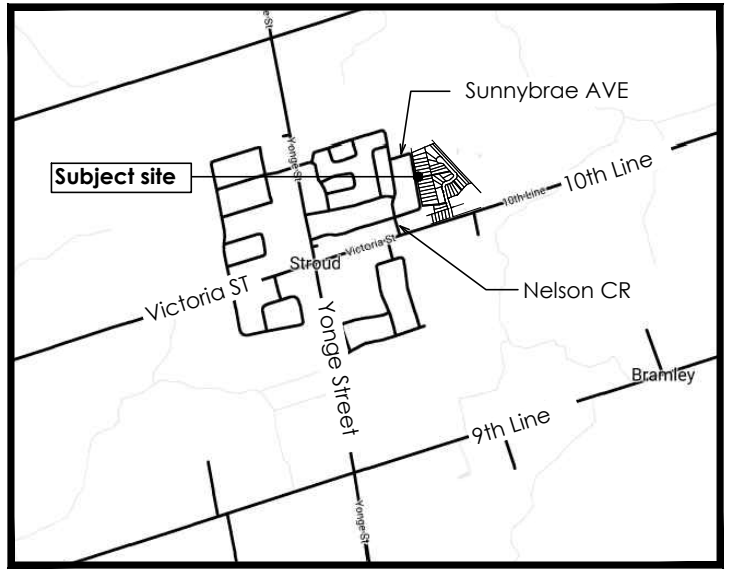
Dated: **November 5, 2024**

Toomaj Haghshenas,  
Secretary-Treasurer  
[thagshenas@innisfil.ca](mailto:thagshenas@innisfil.ca)

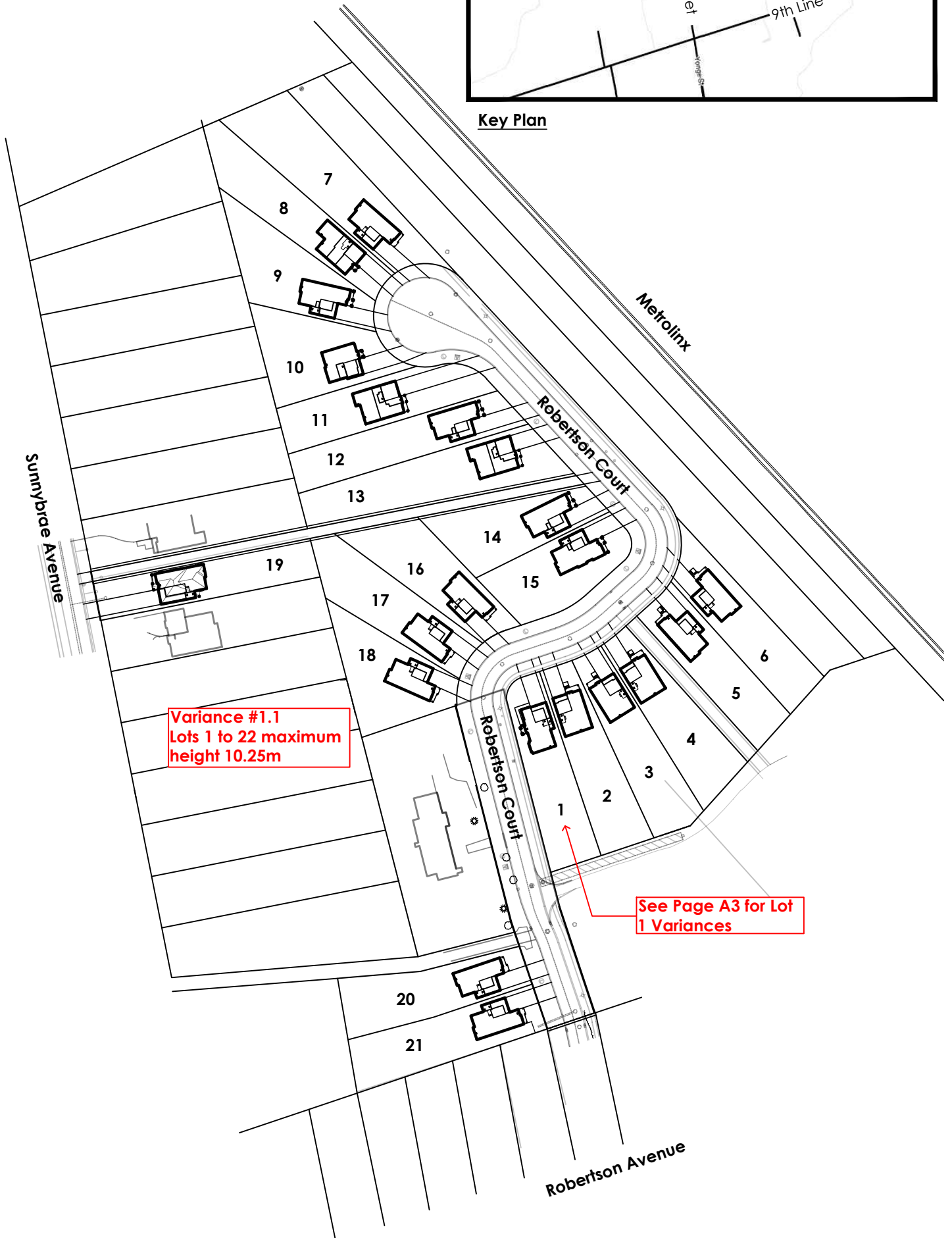
**Zoning By-law 080-13**  
**Zone R1-52**

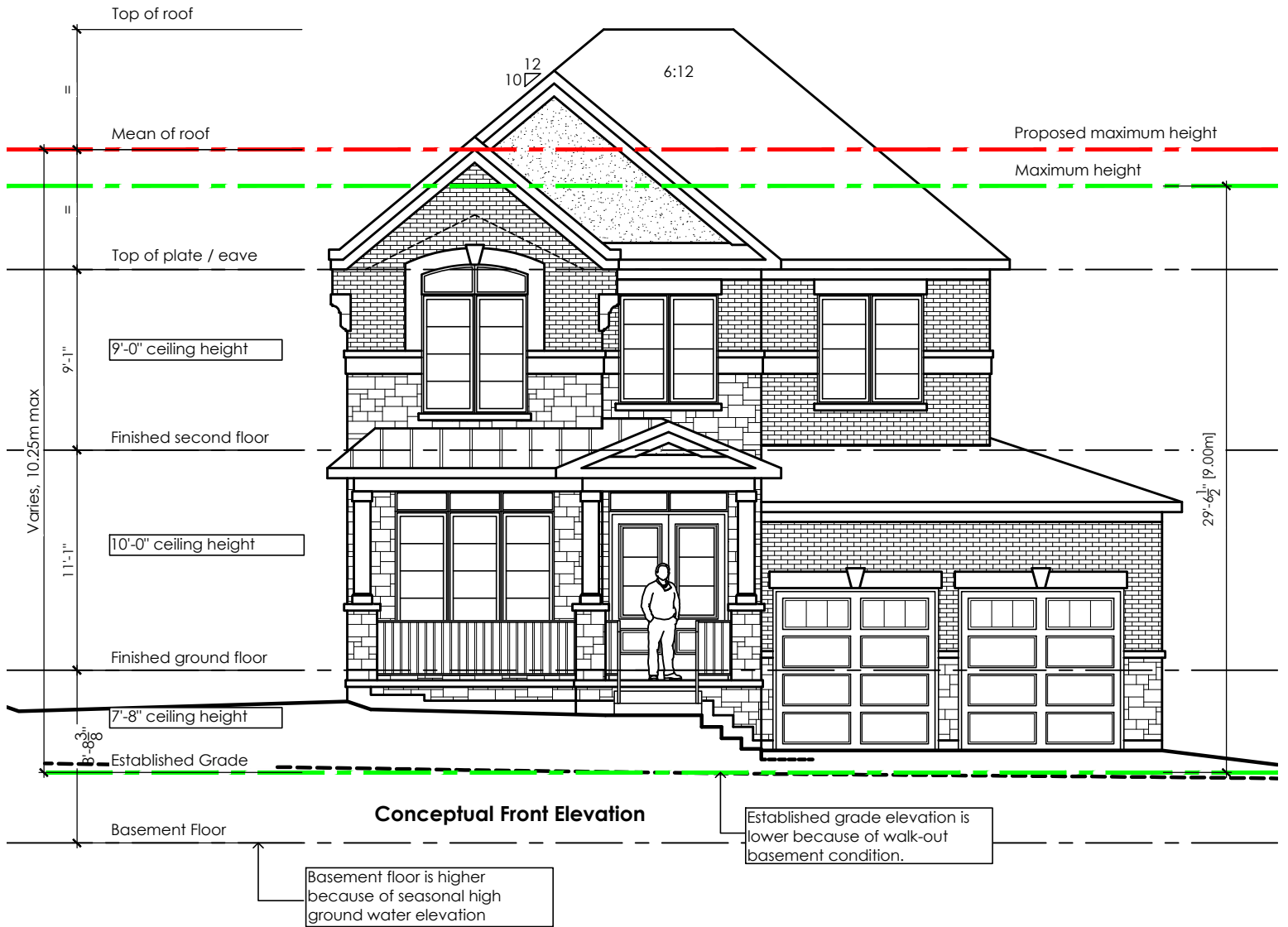
**Proposed Variances**

- 1. Lots 1 to 21** (see page A2)
  - 1.1. Increase maximum building height from 9.0m to 10.25m.
- 2. Lot 1** (see page A3)
  - 2.1. Reduce the minimum exterior side yard from 6.0m to 4.0m.
  - 2.2. The maximum interior width of a private garage shall be 6.25m.



**Key Plan**





**Description of Variance**

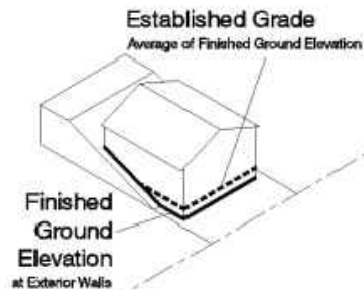
The maximum building height is 9.0m. This height is very restrictive for two storey dwellings that are constructed with 10'-0" ground floor ceiling heights, 9'-0" second floor ceiling heights and with high seasonal ground water elevations. The established grade elevation is also lower because of walk-out basement lots.

**Definitions**

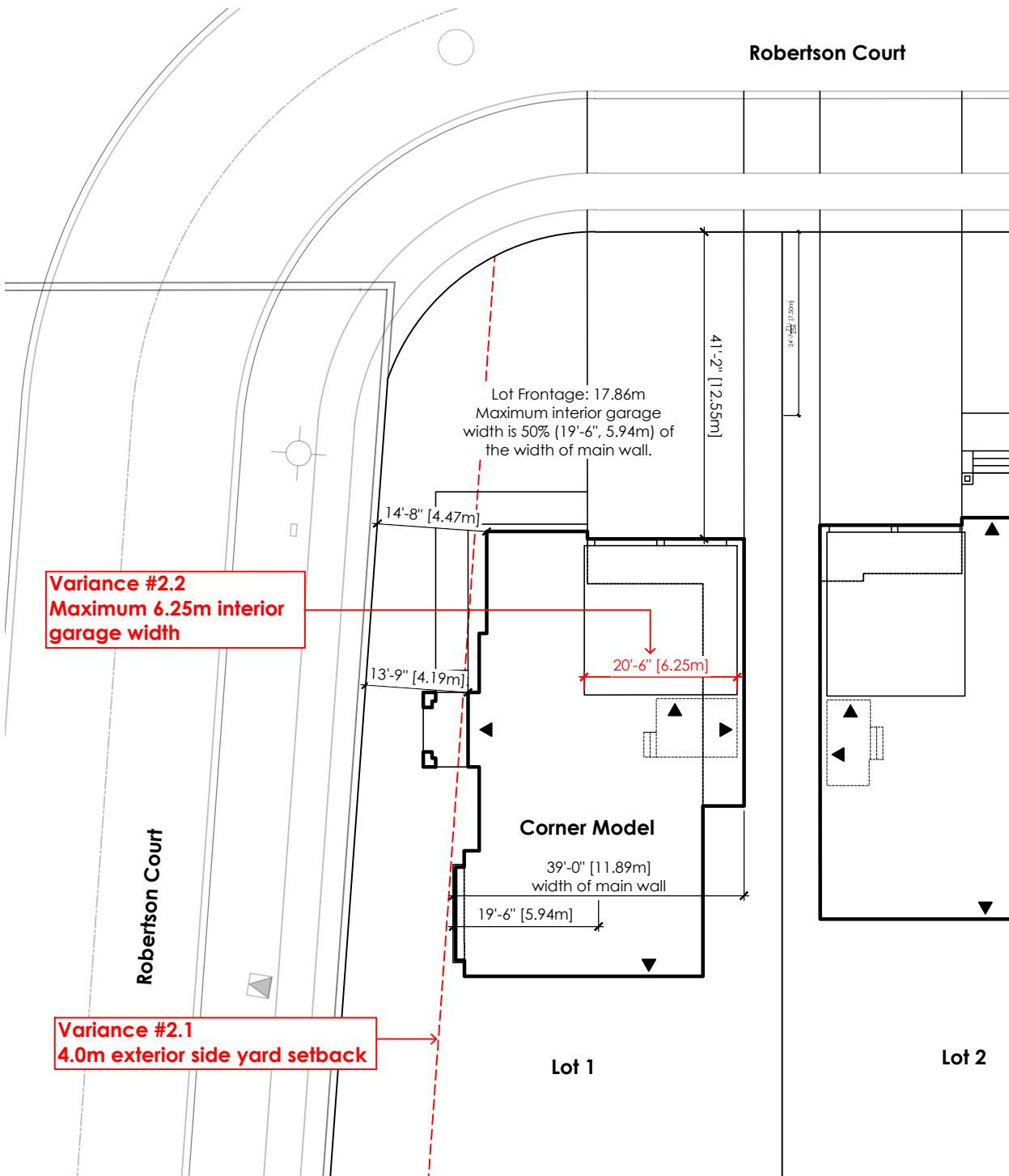
**2.99 Height** means, with reference to a **building** or **structure**, the vertical distance measured between **established grade** and:

- a) the highest point of a flat roof,
- b) the deck line of a mansard roof;
- c) the mean height between the eaves and ridge of a gabled or hip roof; but exclusive of roof or penthouse **structure** accommodating an elevator, staircase, tank, ventilating fan or other similar equipment, a smoke stack, barn, silo, communications tower or other utilitarian **structure** which does not provide habitable space.

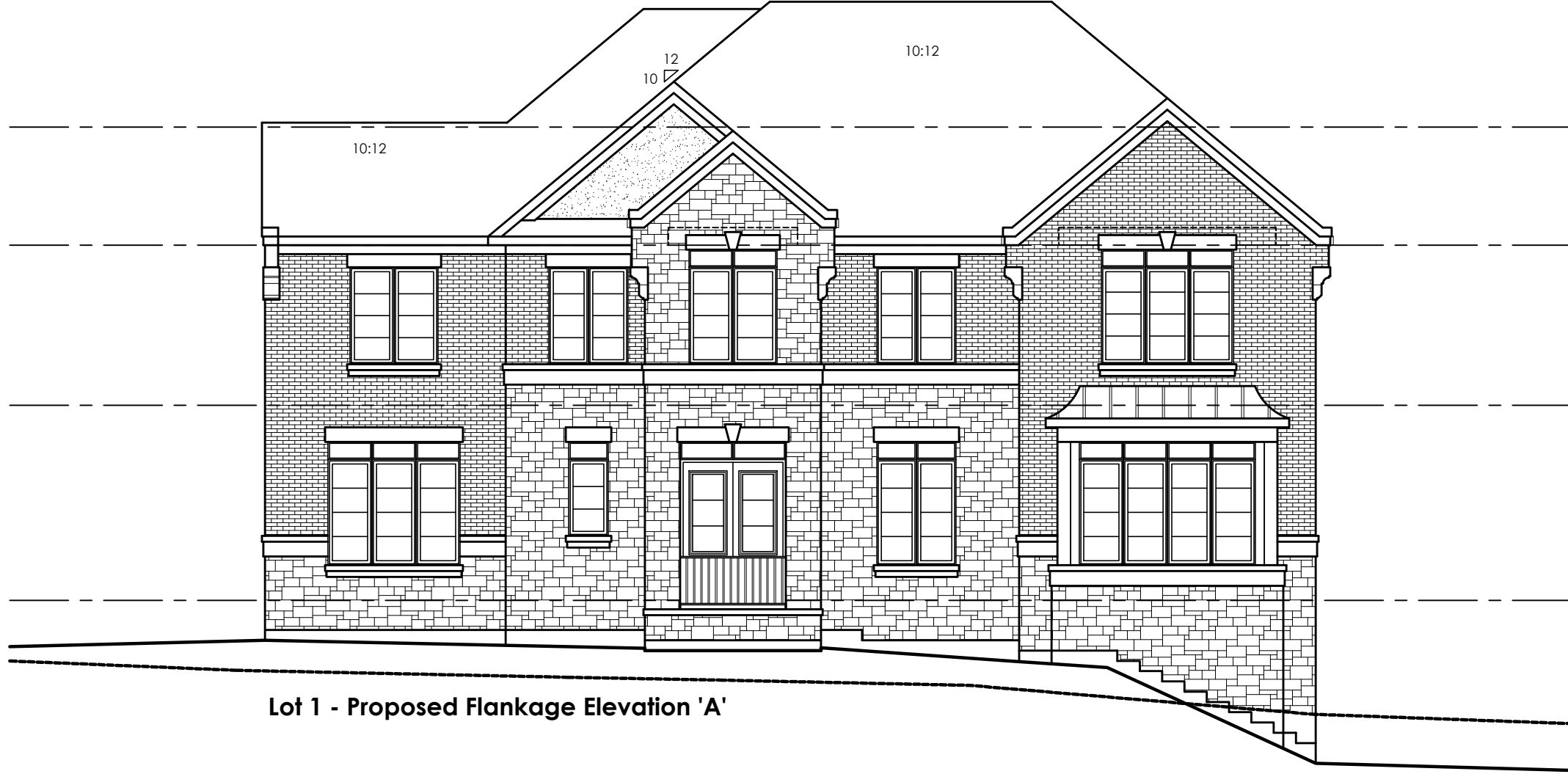
**2.73 Established Grade** means the average level of the approved or finished ground elevation measured at all the exterior walls of any **building** or **structure**.



Robertson Court



Lot 1 - Proposed Front Elevation 'A'



Lot 1 - Proposed Flankage Elevation 'A'

POINT ID	NORTHING	EASTING
ORP A	4909326.45	611042.44
ORP B	4909561.98	610824.05

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THE PLAN.

CURVE	ARC	RADIUS	BEARING	DISTANCE
C1	10.91	2900	N06°58'15"E	10.85
C2	17.36	2900	N33°58'20"E	17.11
C3	10.70	2900	N61°41'45"E	10.64
C4	16.38	40.00	N59°45'30"E	16.26
C5	14.27	9.00	N02°35'55"E	12.82
C6	20.98	19.25	N74°03'30"W	19.96
C7	9.03	20.75	N87°11'10"E	8.96
C8	22.17	20.75	N49°44'00"W	21.13
C9	12.76	20.75	N01°30'35"W	12.56
C10	13.80	20.75	N35°09'45"E	13.55
C11	30.04	20.75	N84°18'20"W	27.48
C12	37.43	29.00	N5°51'15"W	34.89
C13	8.56	29.00	N39°34'40"E	8.53
C14	9.34	60.00	N52°29'15"E	9.33
C15	13.14	60.00	N63°13'10"E	13.11
C16	2.09	60.00	N70°29'20"E	2.09
C17	11.12	9.00	N36°06'10"E	10.42

### FINAL APPROVAL STAMP

Approved in accordance with Section 51(58) of the Planning Act RSO, 1990, Chapter P.13, as amended,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

DAVID PARKS, MCP RPP  
DIRECTOR OF PLANNING, DEVELOPMENT AND TOURISM  
COUNTY OF SIMCOE

### PLAN 51M- CERTIFICATE OF REGISTRATION

DRAFT

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF SIMCOE COUNTY (No. 51) AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER NUMBER ALL OF P.I.N. 58093-0398 (LT) AND P.I.N. 58093-0400 (LT) AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. \_\_\_\_\_

REPRESENTATIVE FOR LAND REGISTRAR

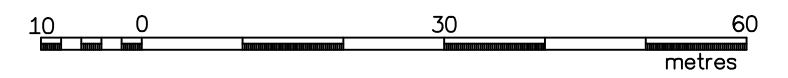
THIS PLAN COMPRISES ALL OF P.I.N. 58093-0398 (LT) AND P.I.N. 58093-0400 (LT). BOTH P.I.N. ARE SUBJECT TO AN EASEMENT IN GROSS AS IN SC1192564

### PLAN OF SUBDIVISION OF BLOCK 39 AND BLOCK 41 REGISTERED PLAN 51M-1045

GEOGRAPHIC TOWNSHIP OF INNISFIL

COUNTY OF SIMCOE

SCALE 1 : 750



#### SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - 2) THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

DATE \_\_\_\_\_ RUDY MAK  
ONTARIO LAND SURVEYOR

#### OWNER'S CERTIFICATE

- THIS IS TO CERTIFY THAT:
- 1) LOTS 1 TO 21 INCLUSIVE, AND BLOCKS 22 TO 24 (INCLUSIVE), AND THE STREET, NAMELY ROBERTSON COURT, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
  - 2) THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF INNISFIL AS PUBLIC HIGHWAY.
- DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

WAYNE EZEKIEL - PRESIDENT  
1820839 ONTARIO LIMITED  
I HAVE THE AUTHORITY TO BIND THE CORPORATION.

#### BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A TO B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2002 EPOCH).

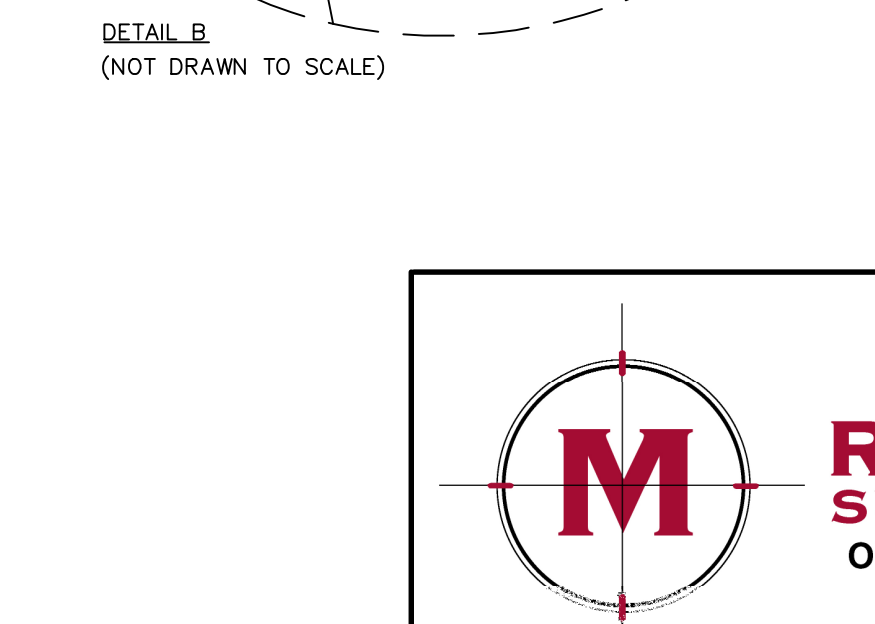
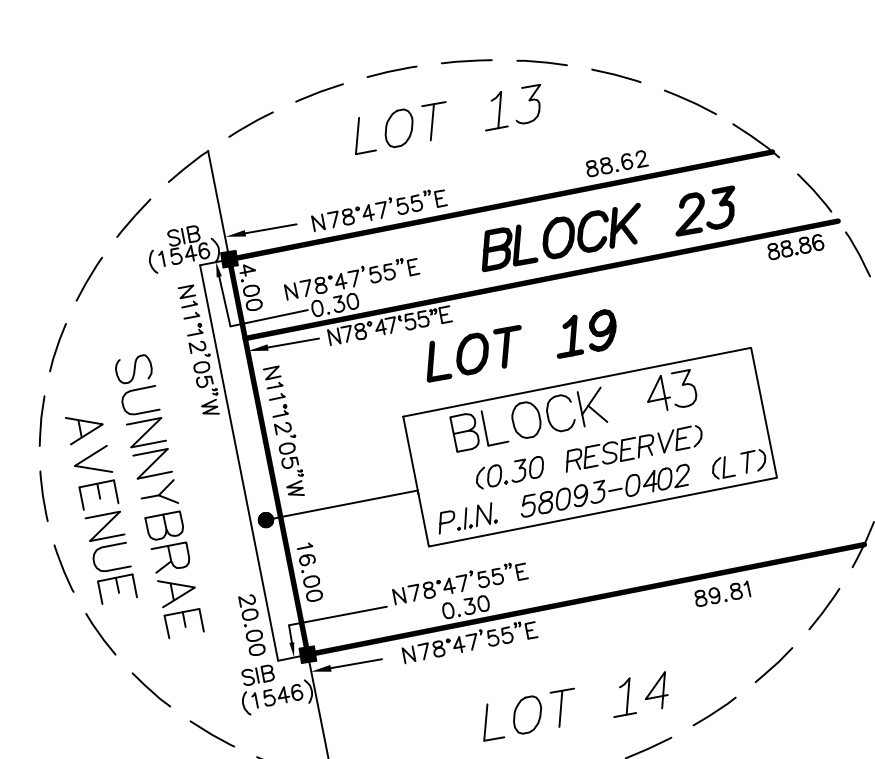
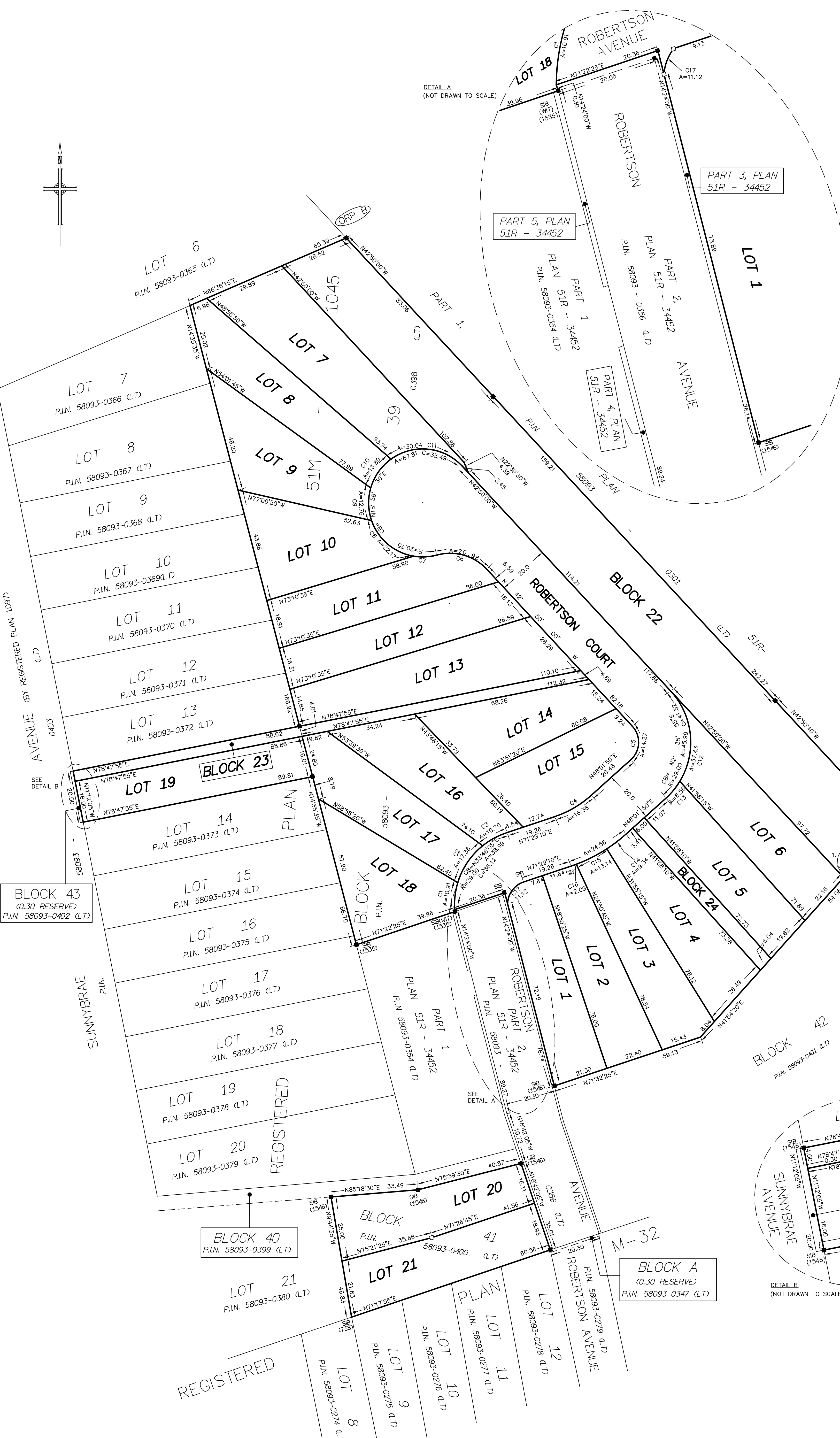
#### DISTANCES

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999713.

#### LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES PLANTED SURVEY MONUMENT
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- B DENOTES IRON BAR
- RB DENOTES ROUND IRON BAR
- +— DENOTES CHAIN LINK FENCE
- (738) DENOTES R.C. KIRKPATRICK, O.L.S.
- (1535) DENOTES P.J. MANSFIELD, O.L.S.
- (1546) DENOTES RUDY MAK SURVEYING LTD.
- (CDN) DENOTES CDN LAND SURVEYORS INC.
- (WIT) DENOTES WITNESS

ALL PLANTED MONUMENTS ARE IRON BARS (B) UNLESS OTHERWISE NOTED.



JAN. 29/24

**RUDY MAK SURVEYING LTD.**  
ONTARIO LAND SURVEYORS

89 BIG BAY POINT ROAD  
BARRIE, ONTARIO L4N 8M5 (705) 722-3845  
E-MAIL MAIL@MAKSURVEYING.COM

METRIC  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



# INNOVATIVE PLANNING SOLUTIONS

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planners • project managers • land development

September 27, 2024

Town of Innisfil  
2101 Innisfil Beach Road,  
Innisfil, ON  
L9S 1A1

Attention: Toomaj Haghshenas, Development Services

Re: **Committee of Adjustment Application – Minor Variance Report**  
299 Sunnybrae Avenue  
Innisfil Executive Estates Phase 2 (IEE Phase 2)

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## 1.0 INTRODUCTION

Innovative Planning Solutions (IPS) has been retained by **1820839 Ontario Limited** ('the Owner/Applicant') to prepare a Minor Variance Report for lands legally described as Block 39 & 41, R.P. 51M-1045, in the Settlement Area of Stroud, and municipally known as 299 Sunnybrae Avenue in the Town of Innisfil, County of Simcoe ("subject property").

The proposed subdivision represents the second phase of the Innisfil Executive Estates ("IEE") development. The IEE Phase 1 subdivision consists of 38 single detached residential lots along Sunnybrae Avenue and further included space for future access blocks and servicing blocks. Phase 2 encompasses Block 39 and Block 41.

The IEE Phase 2 development plan includes twenty-one (21) lots suitable for executive single-detached estate residential homes, appropriate in scale and complimentary to the existing Phase 1 development, and the surrounding community of Stroud.

The site was subject to a previous Zoning By-law Amendment application, which was passed on March 11<sup>th</sup>, 2022. Concurrently, a Draft Plan of Subdivision was approved on March 11, 2022. Regarding file status, clearing of all Conditions is underway, with a pending Subdivision Agreement.

Through the design development process as part of clearing Conditions of Draft Plan Approval and preparing for future Building Permits, it was noted that due to the average graded elevation of properties, the building height limitations of the existing zoning by-

law for the property will pose notable issues for roof structure and design, as well as overall constraints to the desired dwelling for the lots. Furthermore, the approved subdivision design and the associated right-of-way creates inadequate siting conditions for a house on Lot 1 (corner lot) while adhering to best practices for residential development and consistency with the remainder of the development. Relief from zoning in the form of a reduced exterior side yard setback for Lot 1 would further allow for the position of the house closer to the right of way on the western edge of the lot which would allow for an appropriately sized garage that is consistent with the size and scale of the development proposal.

The variances requested are reviewed throughout this report.

## **2.0 SITE DESCRIPTION**

The subject lands are located immediately east of the existing Phase 1 development, with access from Robertson Court, off Victoria Street to the south. The subject lands have a landholding of 4.78 ha., with a frontage of 20.0 along Victoria Street.

A map of the site in context, with lot details from Plan 51M-1045 overlaid is provided in **Figure 1** below.

The site is generally surrounded by agricultural and low-density residential uses, and also borders the Metrolinx Rail Corridor to the east.

A detailed breakdown of the surrounding uses of the property are as follows:

**North:** Metrolinx Rail Corridor, estate residential lots/dwellings, Stroud Settlement Area Boundary, agricultural and farming Uses.




**South:** Existing residential lots/dwellings along Victoria Street. The IEE stormwater management pond is adjacent south.

**East:** Metrolinx Rail Corridor and Stroud Settlement Area Boundary. Agricultural Farming Uses east of the rail corridor.

**West:** Existing residential neighbourhood, known as IEE Phase 1.





<p><b>LEGEND</b></p> <p> Subject Lands (Phase Two)</p> <p> Phase One</p>	<p><b>Figure 1</b> Phase two Innsfil Executive Estates in Stroud.</p>	
	<p>Source: Maxar (Vivid Advanced)Imagery April 12, 2023 / IEE phase 2 plan</p>	
	<p>Drawn By: RK</p>	<p>File: 20-911</p>
	<p> <b>INNOVATIVE PLANNING SOLUTIONS</b> planners • project managers • land development</p>	

### 3.0 ZONING ANALYSIS

This site is zoned as '**Residential 1 Exception Hold (R1-52(H))**'. The hold is to be lifted in the near future once the Subdivision Agreement has been entered (pending), and water allocation is secured (complete).

For reference regarding information presented in the following sections, the latest M-Plan (Draft Plan) is attached as **Appendix A** of this report.

Visual abstracts and explanation of the variances are provided in **Appendix B**. The three (3) variances are referred to as 1.1, 2.1 and 2.2. This document is to be reviewed in conjunction with this report.

#### 3.1 LOTS 1-21: BUILDING HEIGHT (VARIANCE 1)

❖ **Variance 1.1 is for an increased building height for the lots from 9.0 to 10.25 m.**

According to *Township of Innisfil Zoning By-law 080-13*, **Height** and **Established Grade** are defined as the following:

**(2.99) Height** means, with reference to a **building** or **structure**, the vertical distance measured between **established grade** and:

- a) The highest point of a flat roof,
- b) The deck line of a mansard roof
- c) The mean height between the eaves and ridge of a gabled or hip roof; but exclusive of roof or penthouse **structure** accommodating an elevator, staircase, tank, ventilating fan or other similar equipment, a smoke stack, barn, silo, communications tower or other utilitarian structure which does not provide habitable space.

**(2.73) Established Grade** means, the average level of the approved or finished ground elevation measured at all the exterior walls of any **building** or **structure**.

Table 1: Zoning By-law Reference Required v. Proposed Building Height			
Variance ID	Zoning By-law 080-13 (zone R1-52)	Required	Proposed Variance
1	Reference: 4.2 Zone Regulations Table 4.2a – Zone Regulations F: <b>Maximum Building Height</b> (Zone R1, All)	9.0 m	10.25m

Due to the range in average grade across Lots 1 – 21 and the variation in grade on individual lots, there are challenges with meeting the maximum height requirements for the R1 zone. Given a high water table, desired 9.0-10 ft. ceiling heights (to match the estate design), and consideration of walk-out basements on majority of the lots, the established grade is therefore low on the lots, creating an increase in the overall height of the dwellings proposed.

To construct the homes complementary to surrounding houses, phase 1, and consistent among Phase 1, the profile proposed would require a variance. The request is to increase the Maximum Building Height from 9.0 m. to 10.25 m. across all lots (1-21). Granting the variance would allow for the homes to be constructed consistently and complimentary with surrounding architectural styles and Phase 1 of the development. Further, the increase will allow flexibility in architecture design, leading to higher quality built forms and more innovative design elements across the subdivision.

**3.2 LOT 1: EXTERIOR SIDE YARD SETBACK (VARIANCE 2.1) & MAXIMUM INTERIOR GARAGE WIDTH (VARIANCE 2.2)**

- ❖ **Variance 2.1 is to reduce the minimum exterior side yard from 6.0m to 4.0m.**
- ❖ **Variance 2.2 is to permit the maximum interior width of a private garage to be 6.25m.**

According to *Township of Innisfil Zoning By-law 080-13*, **Lot Line**, **Side**, and **Setback** (Exterior side yard) are defined as the following:

**Lot Line, Side** means, any lot line other than a **front lot line** or **rear lot line**

**Setback** means, the distance between a **lot line** and the nearest **wall** of a **principal** and/or **accessory building** or **structure**, as indicated in the context in which the term is used.

<b>Table 2: Zoning By-law Reference</b>			
<b>Required v. Proposed Side Yard Setback &amp; Garage Width</b>			
<b>Variance ID</b>	<b>Zoning By-law 080-13 (zone R1-52)</b>	<b>Required</b>	<b>Proposed Variance</b>
<b>2.1</b>	<b>Reference: 4.2 Zone Regulations</b> Table 4.2a – Zone Regulations D: <b>Minimum Exterior Side Yard</b> (Zone R1, All)	6.0 m	<b>4.0 m</b>
<b>2.2</b>	<b>Reference: 3.18 Garages</b> 3.18.3 (d) On lots with a lot frontage equal to or greater than 15 metres, the maximum	50%, up to 9.0 m	<b>53%, or 6.25m</b>

	interior width of the garage up to 50% of the width of the <b>Main Wall</b> of the principal building on the lot, to a maximum of 9m.		
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**Variance 2.1: Minimum Side Yard Setback Reduction to 4m**

To construct the homes complementary to surrounding houses, at a similar size and scale to each other and to phase 1, Lot 1 needs a similar sized house to fit onto this narrower lot at a front yard depth consistent with surrounding lots. Lot 1 requires a minimum side yard setback of 4.0 m, rather than the required 6.0 m. This variance would apply to Lot 1 only, in order to keep the building separation between lots consistent, and align in conjunction with Variance 2.2.

**Variance 2.2: Maximum Interior Garage Width Increase to 53%**

Provision 3.18.3.d. states that the maximum width of a private garage on lots with a lot frontage equal to or greater than 15 metres, the maximum interior width of a private garage up to 50% of the width of the main wall of the principal building on the lot, to a maximum of 9 metres. This applies to a private garage with garage door opening(s) that face the front yard. (By-law 031-17)

Provided this, the provision would permit an interior garage width of 5.94 m., as the main wall width is 11.89 m. for the proposed dwelling. Therefore, a request is made for 6.25 m. (53%) to match the other dwellings in IEE Phase 2, permit an appropriate garage size, and to facilitate the proposed dwelling desired for Lot 1.

To construct the homes with consistent garage sizes between lots, and accommodate the narrow lot with a reduced overall home width on a corner lot, a variance to 53% main wall width would allow for the construction of a similarly sized private garage on Lot 1 and a proper garage size, without the need to reduce interior side yard spacing between buildings on the neighbouring lot.

Proposed Elevations for Lot 1 are included in the appendices, illustrating that the variance leads to high quality dwelling design. Further, the variances requested will not impact the intent of the provision, as appropriate planning and design principles are maintained.

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## 4.0 REQUIRED MINOR VARIANCES

The subject application requests the following variances:

1. **Lots 1-21 (All Lots): Increase maximum building height from 9.0m to 10.25m.**
2. **Lot 1: Reduce the minimum exterior side yard from 6.0m to 4.0m.**
3. **Lot 1: The maximum interior width of a private garage shall be 6.25m.**

A visual guide to the below noted variances is provided as **Appendix B**. Please read in conjunction.

The Committee of Adjustment, under Section 45(1) of the Planning Act, may authorize a minor variance(s) from the provisions of the Zoning By-law, subject to the following considerations, known as the four tests:

1. *The variance maintains the general intent and purpose of the Official Plan;*
2. *The variance maintains the general intent and purpose of the Zoning By-law;*
3. *The variance is desirable for the development and use of the land; and,*
4. *The variance is minor in nature.*

## 4.1 LOTS 1-21: PROPOSED VARIANCE 1 – BUILDING HEIGHT

In accordance with Section 45(1) of the Act, the subject application has been reviewed against the four tests with an analysis provided below, specifically as it relates to the following variance:

- ❖ **1.1 Lots 1-21 (All Lots): Increase maximum building height from 9.0m to 10.25m.**

The following section provides an analysis of the Minor Variance, in relation to the 'Four Tests' of Section 45(1) of the Planning Act.

### 4.1.1 OFFICIAL PLAN, GENERAL INTENT AND PURPOSE

The Town of Innisfil Official Plan designated the site as 'Village Residential' on Schedule B7 (Stroud). The Plan (section 10.5) notes that these areas are subject to residential development, with single detached dwellings permitted. Stroud is identified as a 'Village Settlement Area' by the Official Plan, where residential development (subdivisions) and intensification projects are encouraged (section 9).

According to section 9, objective 11, to accommodate growth, the Official Plan supports a range of lot sizes and densities, housing types and tenure, provided the scale and massing of development is in keeping with the character of the adjacent

neighbourhood. In considering the height of the development, the minor variance of 1.25 m. will allow for the housing type proposed and its massing to maintain the character with the adjacent neighbourhood, in this case, the phase 1 of the Innisfil executive estates and the other neighbourhoods, existing and proposed in Stroud. New dwellings in the surrounding area includes 2-3 storey built forms, and more directly, new estate development includes large dwelling sizes with taller building heights. Collectively, the proposed heights will match the scale of the area and permit a complimentary built form, on lots with varying grades.

For the reasons noted above, the requested variance is considered compatible with the general intent and objectives of the Official Plan.

#### **4.1.2 ZONING BY-LAW, GENERAL INTENT AND PURPOSE**

Under *Table 4.2a (Zone Regulations)*, the Zoning Bylaw permits building height up to 9.0 m. in the R1 zone, where height, for the proposed building style, would refer to the established (average) grade of the site and the mean height between the eaves and the ridgeline of the hip or gabled roof. The purpose of the zoning by-law height limit is to prevent discontinuous building heights and to ensure that constructed buildings are complimentary with each other and their context. It results in this condition by preventing buildings of very different heights and therefore building massing in order to create consistent and complimentary neighbourhoods.

The intent of the application for the variance is to enable the creation of the dwellings to be more consistent with each other and with the neighbouring developments. Due the changes in average grade on a lot, and further between lots within this development, the increase in permitted building height via the granting of the proposed variance will ultimately result in a more consistent final product both in terms of matching other lots within IEE Phase 2 and matching developments in Phase 1, while still complimenting the surrounding neighbourhood

As a result, this minor variance aligns with the general intent and purpose of the Zoning By-law.

#### **4.1.3 THE VARIANCES ARE DESIRABLE FOR THE DEVELOPMENT OF THE AREA**

A building height variance of 1.25 m. will allow for adaptation of construction between lots to achieve consistent building heights across the development. This is desirable as it will increase the consistency and appeal of the built environment. Furthermore, it will be complimentary to surrounding neighbourhoods by providing consistent building massing and development patterns within both phases of IEE, and collectively across surrounding neighbourhoods of Stroud. In a location with a variety of dwellings sizes and

scales, the minor increase in height will not be noticeable from the street, or out of character for the area.

As a result, this minor variance would be desirable for the development of the area.

#### **4.1.4 THE VARIANCES ARE MINOR**

This proposed variance constitutes a very small increase in overall building height allowed, with the increase primarily the result of technical matters. It should be noted that the building height variance is primarily to support the structural requirements of the roofs when considered against the average grade, to permit increased ceiling heights where it is desired for estate dwellings, to support walk-out basements, and to permit the overall desired design of the dwellings; which the Owner/Applicant has determined based on demand as desirable for the site.

This constitutes a 1.25 m. change in possible building height which will allow for a more consistent final products between lots due to the varying final average grades on lots and across the site. This is desirable as it will allow for complimentary homes to be constructed that are desirable and keeping in character with the surrounding neighbourhoods, while permitting variety and creativity in architectural design through the permit process.

As previously noted, the minor increase will also not be noticeable from the street, as consistency is maintained across the development. Without noticeable height differences, compatibility is maintained. To further support this, significant front yard, interior yard, and rear yard setbacks will increase separation and buffers between built forms, further reducing any visual impacts on a minor height increase.

In addition to the analysis provided above, John G. Williams Limited, who prepared the Architectural Control Guidelines for IEE Phase 2, was consulted on the proposed building heights. From an architectural standpoint, there is support for the increase in height for the reasons noted in this report. Community consistency in terms of built form, massing, and height is maintained.

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## **4.2 LOT 1: PROPOSED VARIANCE 2.1 – SIDE YARD SETBACK**

In accordance with Section 45(1) of the Act, the subject application has been reviewed against the four tests with an analysis provided below, specifically as it relates to the following variance:

❖ **2.1 Lot 1: Reduce the minimum exterior side yard from 6.0m to 4.0m.**

The following section provides an analysis of the Minor Variance, in relation to the 'Four Tests' of Section 45(1) of the Planning Act. For a visual representation of Lot 1 variances, refer to **Appendix B**.

### **4.2.1 OFFICIAL PLAN, GENERAL INTENT AND PURPOSE**

Under Section 9, Settlements and Growth Management, the general policies surrounding Village Settlement Area Growth, design, and construction are around appropriate development and intensification. This includes providing a range of lot sizes and densities, housing types and tenure, provided the scale and massing of development is in keeping with the character of the adjacent neighbourhood. Notably, surrounding development and neighbourhoods are characterized by the consistency shared between surrounding dwellings. This neighbourhood would be complimentary and consistent with its neighbouring Phase 1 of the Innisfil Executive Estates development.

In order to provide consistency between the dwellings in the development, Lot 1 does require a variance to allow for a reduced exterior side yard setback. This would allow for the house to maintain a consistent massing and scale while avoiding crowding interior lot lines, or providing an inconsistent end product. Having the consistency between itself and its surroundings is important for Phase 2 and is consistent with the objectives of section 9 of the Official Plan.

For the reasons noted above, the requested variance is considered compatible with the general intent and objectives of the Official Plan.

### **4.2.2 ZONING BY-LAW, GENERAL INTENT AND PURPOSE**

Under *Table 4.2a (Zone Regulations)*, the Zoning By-law requires a minimum exterior side yard of 6.0 m. in the R1 zone, where 4.0 m. is requested. The purpose of the exterior setback is to prevent overdevelopment of lots, helping to deliver a specific density, and to maintain safe distances from external factors (the ROW). On this occasion, the exterior side yard setback serves to maintain a distance between the exterior side wall of the house, and the side limit of the property line that abuts the right of way. The intent



of the application for the variance is to enable the creation of the house to be more consistent with the neighbouring developments with regards to maintaining consistent size and scale of the dwellings, as well as appropriate interior side yard setbacks between the lots, where an impact may be viewed as greater.

Due to the lot shape/size approved through Draft Plan Approval for Lot 1, the reduced exterior side yard setback will allow for the house sited on Lot 1 to maintain the size and scale of the surrounding houses in IEE Phase 2. More specifically, a reduced exterior side yard will maintain a consistent side yard setback to Lot 2, mirroring the subdivision. This will ultimately result in a more consistent final product both in terms of matching other lots within Phase 2 and additionally matching lots developed in Phase 1, while complimenting the surrounding neighbourhood. With consistent and appropriate setbacks in place to appropriately scale the dwellings, the general intent and purpose of the zoning by-law.

As a result, this minor variance meets the purpose of the Zoning By-law exterior setback requirement.

#### **4.2.3 THE VARIANCES ARE DESIRABLE FOR THE DEVELOPMENT OF THE AREA**

An exterior side yard set back reduction to 4.0 m. will allow for the placement of the dwelling on Lot 1 to be consistent with the lots within IEE Phase 2, ensuring consistency across the development. This is desirable as it will increase the consistency and appeal of the built environment from the street, and further will be complimentary to surrounding neighbourhoods by providing consistent building massing, streetscape, and development patterns within the phase. With Robertson Court being the adjacent use to the west, there is also no impact on adjacent uses from the minor reduction.

As a result, this minor variance would be desirable for the development of the area.

#### **4.2.4 THE VARIANCES ARE MINOR**

This proposed variance constitutes a minor decrease to the exterior side yard setback, with a reduction of only two (2) meters, applying to Lot 1. This provides a 4.0 m. exterior side yard setback for an appropriate buffer from the right-of-way and property boundary, including landscaped open space between the dwelling and the streetside. Overall, this variance is minor and desirable as it will allow for complimentary homes to be constructed that are desirable and keeping in character with the surrounding neighbourhoods, while maintaining an appropriate setback to the exterior property line.

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### **4.3 LOT 1: PROPOSED VARIANCE 2.2 – MAXIMUM INTERIOR GARAGE WIDTH**

In accordance with Section 45(1) of the Act, the subject application has been reviewed against the four tests with an analysis provided below, specifically as it relates to the following variance:

❖ **2.2 Lot 1: Permit the maximum interior width of a private garage to be 6.25m.**

The following section provides an analysis of the Minor Variance, in relation to the 'Four Tests' of Section 45(1) of the Planning Act.

#### **4.3.1 OFFICIAL PLAN, GENERAL INTENT AND PURPOSE**

Under Section 9, Settlements and Growth Management, the general policies surrounding Village Settlement Area's (Stroud) support a range of housing types, keeping with the character of the neighbourhood. In Stroud, dwellings include multi-car garages, given the income class and needs of the residents in the neighbourhood. Notably, IEE Phase 1 and Phase 2 will and do include dwellings with minimum 2-car garages.

In order to provide consistency between the proposed dwellings, in particular with regards to their garage sizing and siting on the lot, Lot 1 would require a variance to allow for an increase in the maximum interior width of the garage to 6.25 m. This would allow for the garage to maintain a consistent size between Lot 1 and all other lots, and avoids providing an inconsistent end product. Having the consistency between itself and its surroundings is important for phase two and is consistent with the objectives of the Official Plan, and to further accommodate the needs of all residents.

For the reasons noted above, the requested variance is considered compatible with the general intent and objectives of the Official Plan.

#### **4.3.2 ZONING BY-LAW, GENERAL INTENT AND PURPOSE**

Under General Provisions 3.18.3, the Zoning By-law permits a maximum interior width of a private garage (on lots with a lot frontage equal or greater than 15m) to 50% of the main wall. The purpose of the provision is to maintain visual scaling between the garage frontage (face) and the habitable space of the primary wall/face to the streetside. In this instance, the exterior side yard setback, combined with the maximum interior garage width leads to an inability to create a consistent final product with regards to consistency in the character with the surrounding neighbourhood.

Granting of minor variance 2.1 (exterior side yard) and 2.2 combined are necessary to slightly increase the size and scale of the permissible home for Lot 1, which would allow for the home proposed to be consistent with the IEE neighbourhood. In this case, the role of the Zoning By-law is to create the conditions for consistency. This minor variance, combined with minor variance 2.1, align with the general intent and purpose of the Zoning By-law, and further permit a functional dwelling and garage to be developed.

#### **4.3.3 THE VARIANCES ARE DESIRABLE FOR THE DEVELOPMENT OF THE AREA**

An increase for the maximum interior garage width will allow for a consistent dwelling design across the site, and more importantly, allow for an appropriately sized garage for the desired use. Without the increase from 5.94 m. to 6.25 m., there will be challenges to the function of the garage for accommodating two cars. Provided that the lot is to accommodate an estate dwelling, the increase in the width of the main wall will permit proper garage sizing.

#### **4.3.4 THE VARIANCES ARE MINOR**

This proposed variance constitutes a small increase in maximum interior garage width, with an increase of only 3% and only applying to Lot 1. This still allows for Lot 1 to have a dwelling constructed to similar size and scale as the other houses in the development. Overall, this variance is minor and desirable as it will allow for complimentary homes to be constructed that are desirable and keeping in character with the surrounding neighbourhoods, in terms of scale and functionality. The minor increase to the width of the main wall will not be visible.

It is also critical to note that the garage design for all dwellings is following the Architectural Control Guidelines for IEE Phase 2, which has been reviewed and approved through the Draft Plan approval process.

In our opinion, the requested variances meet the 4 tests under the Planning Act.

## **5.0 CONCLUSION**

This application seeks approval of the above Minor Variances to facilitate appropriate and complimentary building construction of the proposed estate style homes for IEE Phase 2.

As detailed within this report, the variances requested are considered minor in nature, desirable for the proposed development and surrounding lands, consistent with the goals and objectives of the Official Plan, and complies with the general intent of the Zoning By-law. All other provisions of the current zone will be adhered to.

It is our professional planning opinion that the application and associated development proposal, conforms to and is consistent with applicable Planning policies and represents good planning.

Respectfully submitted,

### **Innovative Planning Solutions**



*James Hunter,*  
Associate



*Ryan Kyle*  
Intermediate Planner

### **ATTACHMENTS:**

APPENDIX A – M-Plan (Rudy Mak)

APPENDIX B – Variances Summary (Mackitecture)

POINT ID	NORTHING	EASTING
ORP A	4909326.45	611042.44
ORP B	4909561.98	610824.05

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THE PLAN.

CURVE	ARC	RADIUS	BEARING	DISTANCE
C1	10.91	2900	N06°58'15"E	10.85
C2	17.36	2900	N33°58'20"E	17.11
C3	10.70	2900	N61°41'45"E	10.64
C4	16.38	40.00	N59°45'30"E	16.26
C5	14.27	9.00	N02°35'55"E	12.82
C6	20.98	19.25	N74°03'30"W	19.96
C7	9.03	20.75	N87°11'10"E	8.96
C8	22.17	20.75	N49°44'00"W	21.13
C9	12.76	20.75	N01°30'35"W	12.56
C10	13.80	20.75	N35°09'45"E	13.55
C11	30.04	20.75	N84°18'20"W	27.48
C12	37.43	29.00	N5°51'15"W	34.89
C13	8.56	29.00	N39°34'40"E	8.53
C14	9.34	60.00	N52°29'15"E	9.33
C15	13.14	60.00	N63°13'10"E	13.11
C16	2.09	60.00	N70°29'20"E	2.09
C17	11.12	9.00	N36°06'10"E	10.42

### FINAL APPROVAL STAMP

Approved in accordance with Section 51(58) of the Planning Act RSO, 1990, Chapter P.13, as amended,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

DAVID PARKS, MCP RPP  
DIRECTOR OF PLANNING, DEVELOPMENT AND TOURISM  
COUNTY OF SIMCOE

### PLAN 51M- CERTIFICATE OF REGISTRATION

DRAFT

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF SIMCOE COUNTY (No. 51) AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER NUMBER ALL OF P.I.N. 58093-0398 (LT) AND P.I.N. 58093-0400 (LT) AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. \_\_\_\_\_

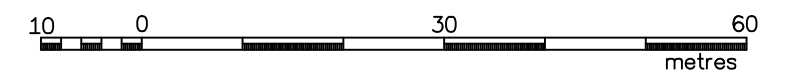
REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES ALL OF P.I.N. 58093-0398 (LT) AND P.I.N. 58093-0400 (LT). BOTH P.I.N. ARE SUBJECT TO AN EASEMENT IN GROSS AS IN SC1192564

### PLAN OF SUBDIVISION OF BLOCK 39 AND BLOCK 41 REGISTERED PLAN 51M-1045

GEOGRAPHIC TOWNSHIP OF INNISFIL  
TOWN OF INNISFIL  
COUNTY OF SIMCOE

SCALE 1 : 750



#### SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - 2) THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

DATE \_\_\_\_\_ RUDY MAK  
ONTARIO LAND SURVEYOR

#### OWNER'S CERTIFICATE

- THIS IS TO CERTIFY THAT:
- 1) LOTS 1 TO 21 INCLUSIVE, AND BLOCKS 22 TO 24 (INCLUSIVE), AND THE STREET, NAMELY ROBERTSON COURT, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
  - 2) THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF INNISFIL AS PUBLIC HIGHWAY.
- DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

WAYNE EZEKIEL - PRESIDENT  
1820839 ONTARIO LIMITED  
I HAVE THE AUTHORITY TO BIND THE CORPORATION.

#### BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A TO B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2002 EPOCH).

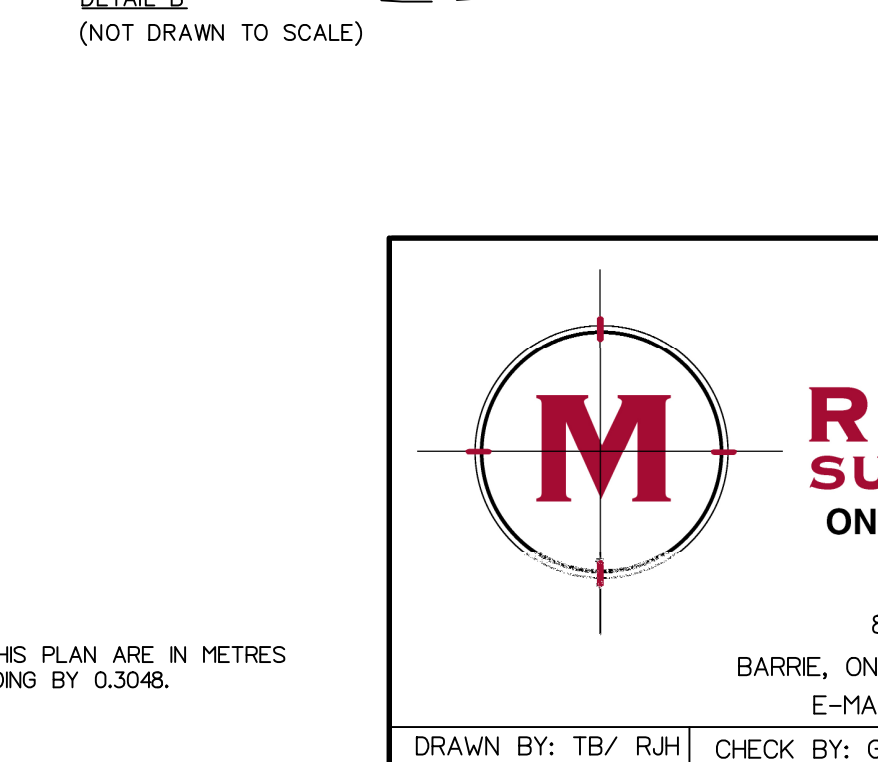
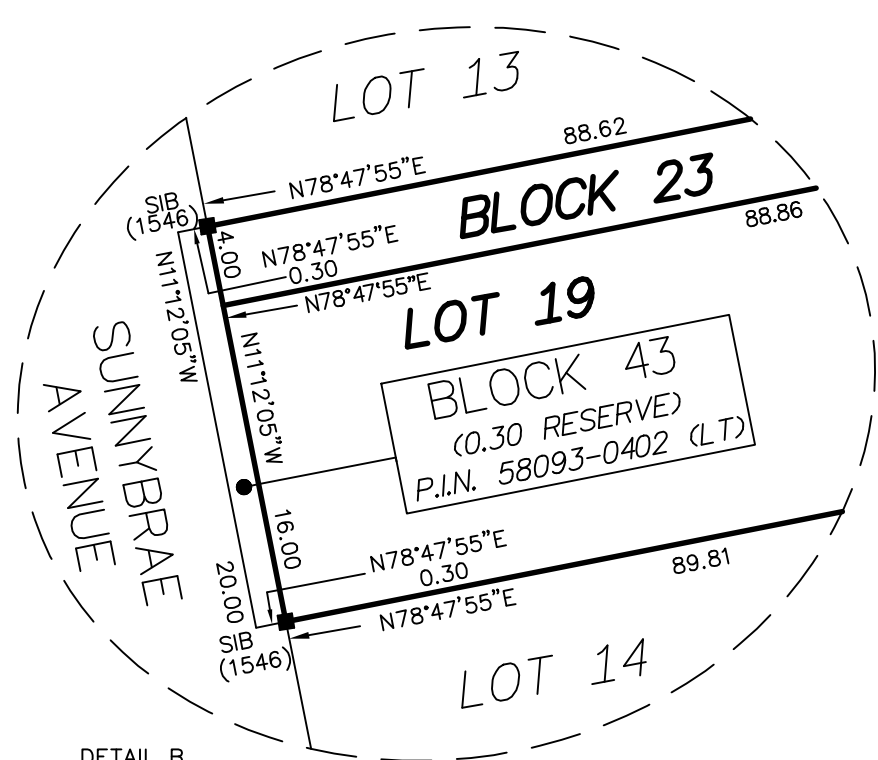
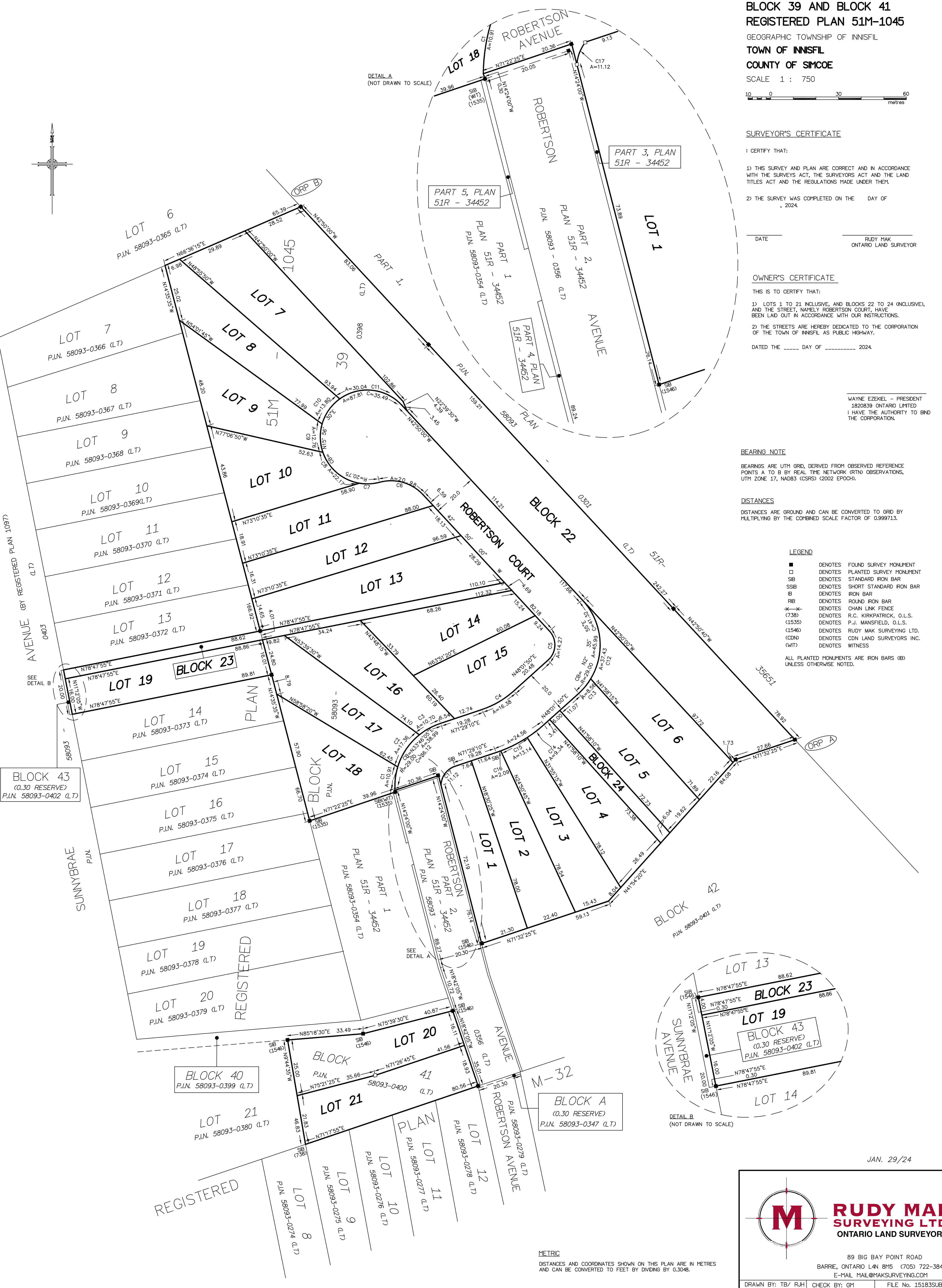
#### DISTANCES

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999713.

#### LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES PLANTED SURVEY MONUMENT
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- B DENOTES IRON BAR
- RB DENOTES ROUND IRON BAR
- +— DENOTES CHAIN LINK FENCE
- (738) DENOTES R.C. KIRKPATRICK, O.L.S.
- (1535) DENOTES P.J. MANSFIELD, O.L.S.
- (1546) DENOTES RUDY MAK SURVEYING LTD.
- (CDN) DENOTES CDN LAND SURVEYORS INC.
- (WIT) DENOTES WITNESS

ALL PLANTED MONUMENTS ARE IRON BARS (RB) UNLESS OTHERWISE NOTED.



JAN. 29/24

**RUDY MAK  
SURVEYING LTD.**  
ONTARIO LAND SURVEYORS

89 BIG BAY POINT ROAD  
BARRIE, ONTARIO L4N 8M5 (705) 722-3845  
E-MAIL MAIL@MAKSURVEYING.COM

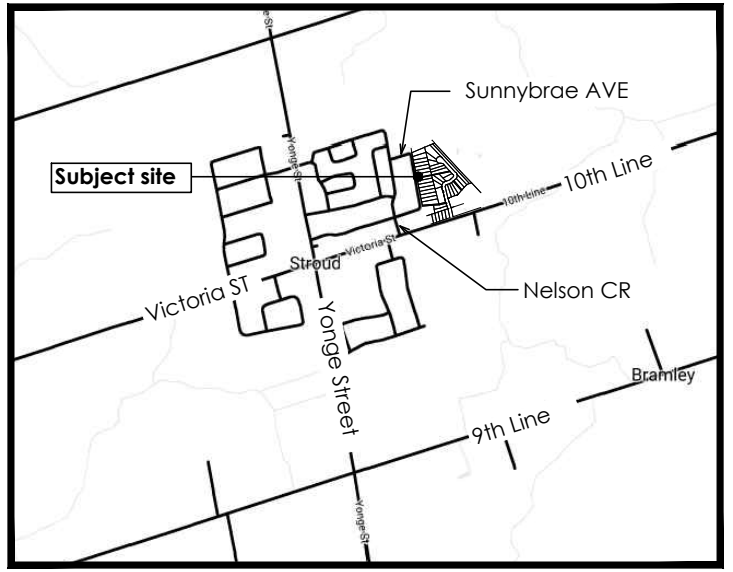
DRAWN BY: TB/ RJH CHECK BY: GM FILE No. 15183SUB

METRIC  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

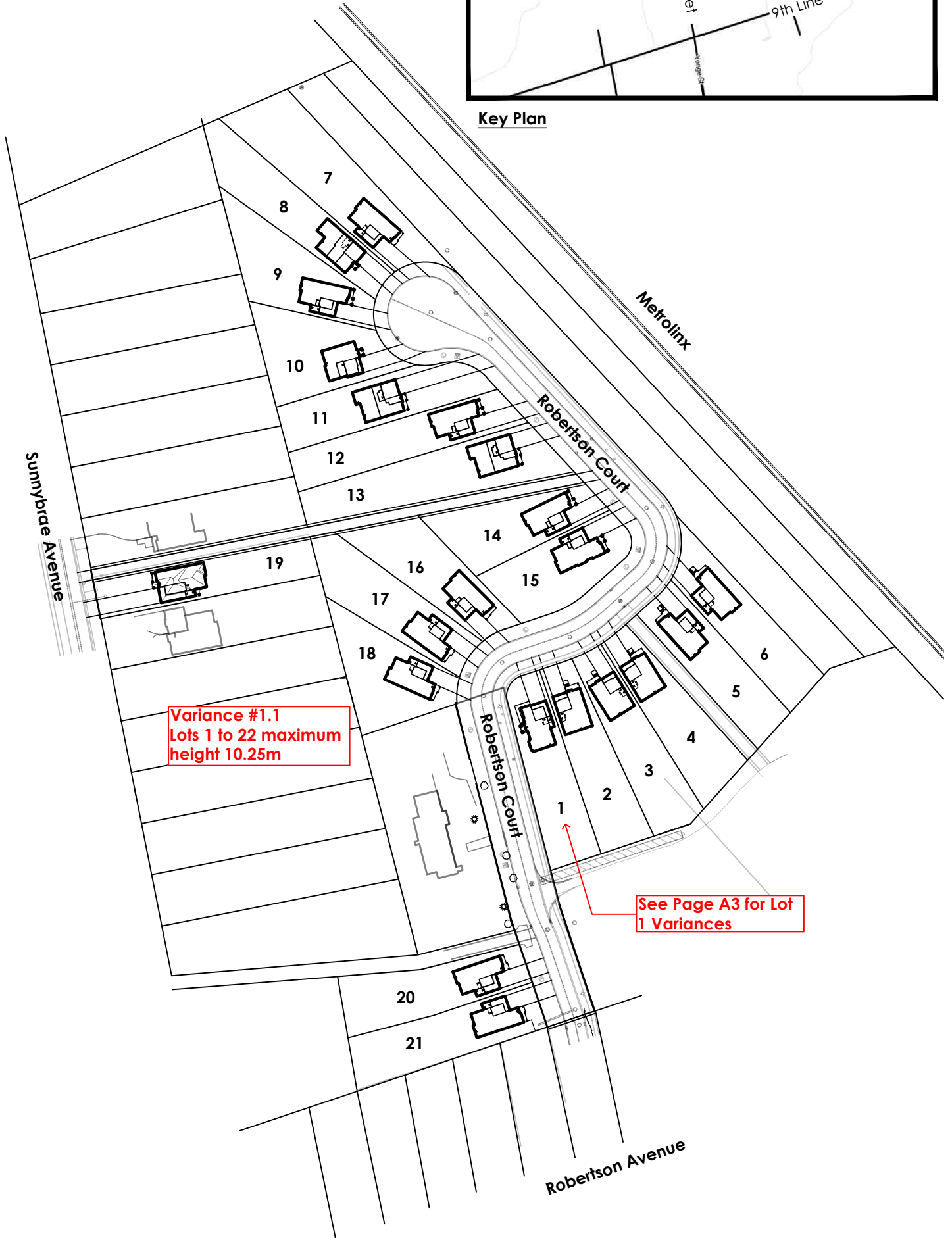
**Zoning By-law 080-13**  
**Zone R1-52**

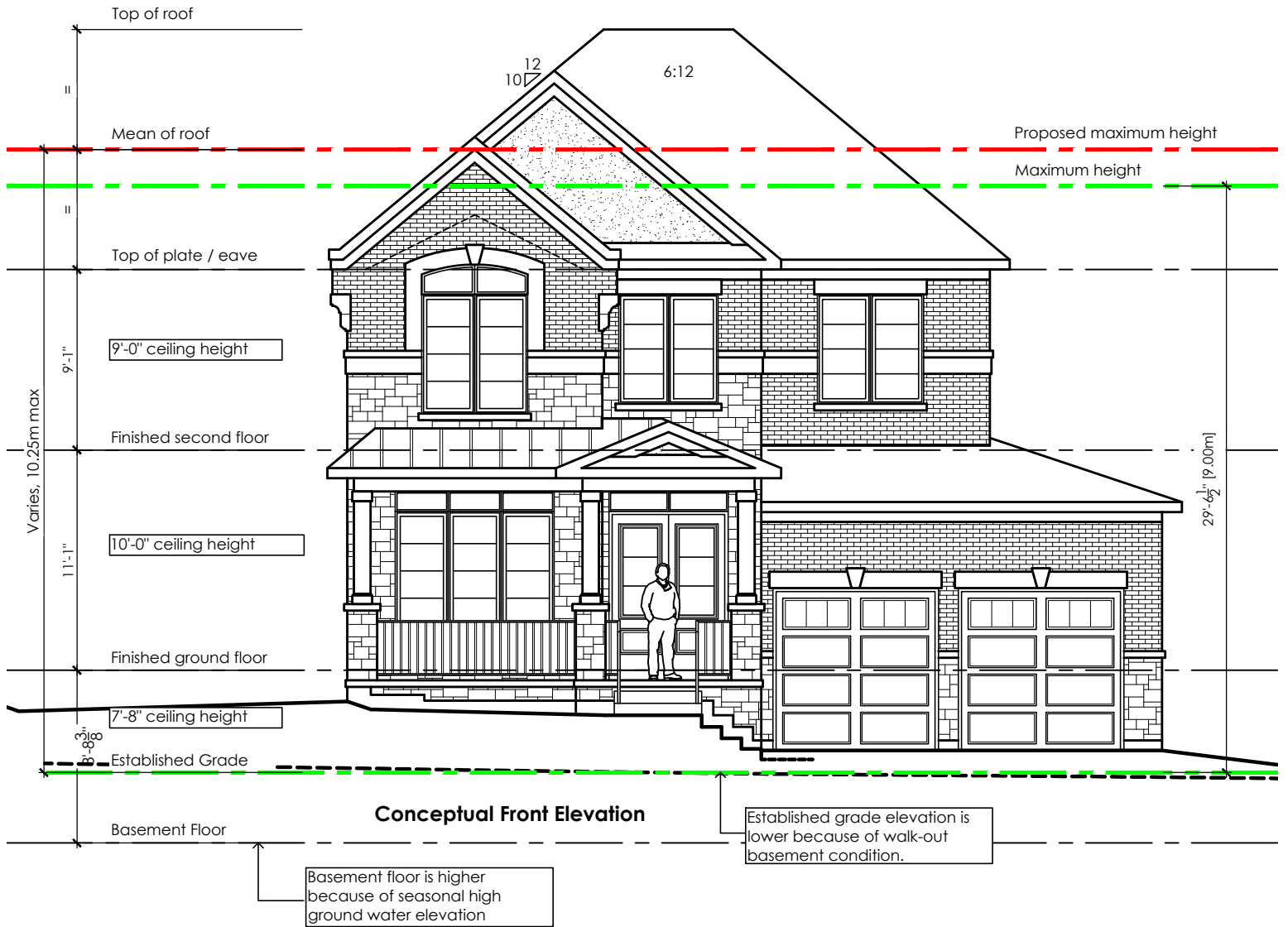
**Proposed Variances**

- 1. Lots 1 to 21** (see page A2)
  - 1.1. Increase maximum building height from 9.0m to 10.25m.
- 2. Lot 1** (see page A3)
  - 2.1. Reduce the minimum exterior side yard from 6.0m to 4.0m.
  - 2.2. The maximum interior width of a private garage shall be 6.25m.



**Key Plan**





**Description of Variance**

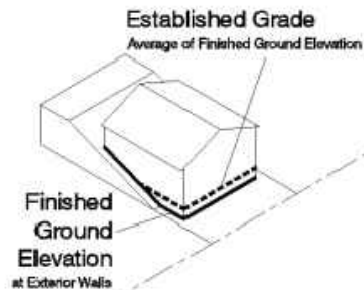
The maximum building height is 9.0m. This height is very restrictive for two storey dwellings that are constructed with 10'-0" ground floor ceiling heights, 9'-0" second floor ceiling heights and with high seasonal ground water elevations. The established grade elevation is also lower because of walk-out basement lots.

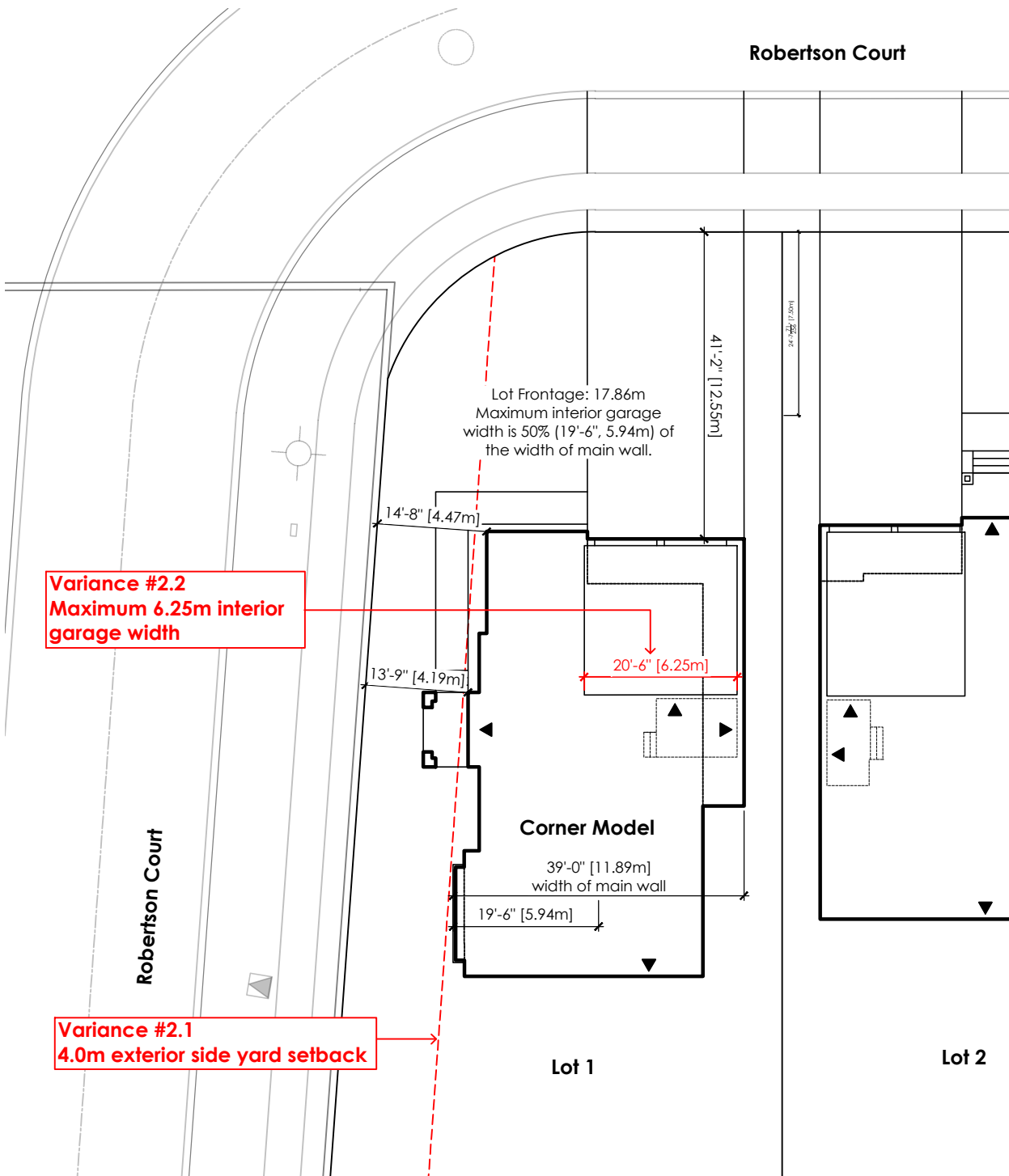
**Definitions**

**2.99 Height** means, with reference to a **building** or **structure**, the vertical distance measured between **established grade** and:

- a) the highest point of a flat roof,
- b) the deck line of a mansard roof;
- c) the mean height between the eaves and ridge of a gabled or hip roof; but exclusive of roof or penthouse **structure** accommodating an elevator, staircase, tank, ventilating fan or other similar equipment, a smoke stack, barn, silo, communications tower or other utilitarian **structure** which does not provide habitable space.

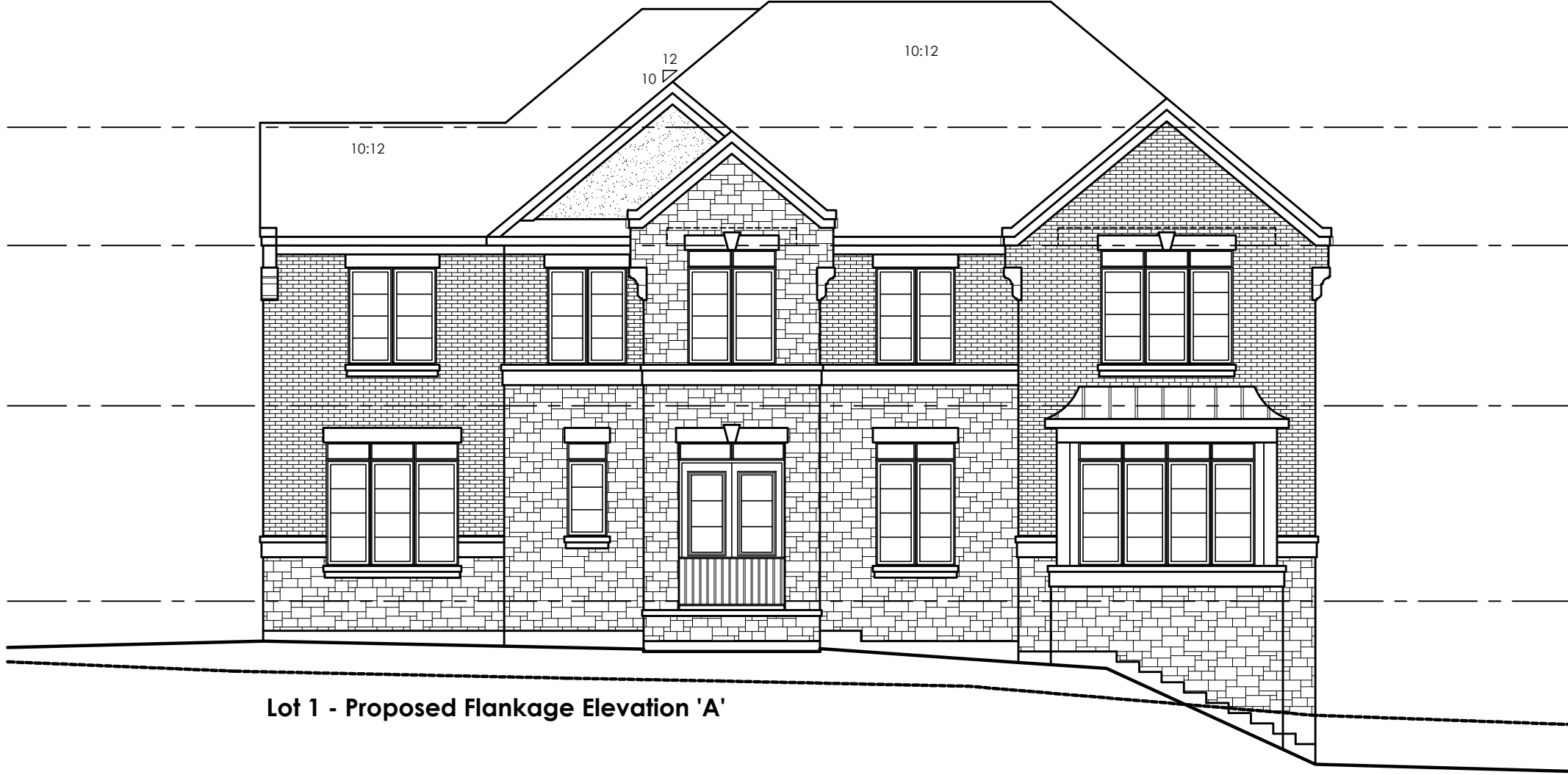
**2.73 Established Grade** means the average level of the approved or finished ground elevation measured at all the exterior walls of any **building** or **structure**.





Lot 1 - Proposed Front Elevation 'A'





Lot 1 - Proposed Flankage Elevation 'A'