

# **Summary of Comments**

A-059-2024 - 862 Blackwoods Ave



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-059-2024  
**MEETING DATE:** January 23, 2025  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Ingrid Li, Development Planner  
**SUBJECT:** Minor variance application A-059-2024 seeking relief from Section 3.18.3(d) of the Zoning By-law No. 080-13 to construct a single detached dwelling with an attached garage with an interior width that is 52.9% of the main wall of the principal building.

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### PROPERTY INFORMATION:

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| <b>Municipal Address</b> | 862 Blackwoods Ave                      |
| <b>Legal Description</b> | PLAN 934 LOT 101                        |
| <b>Official Plan</b>     | Residential Low Density 1 (Schedule B1) |
| <b>Zoning By-law</b>     | Residential 1 (R1) Zone                 |

### RECOMMENDATION:

The Planning Department recommends approval of A-059-2024 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. 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.
3. That a minor variance application be applied for to the Committee of Adjustment to seek relief from Section 3.18.1 e) for the garage projection.

### REASON FOR APPLICATION:

The applicant is proposing to construct a new single detached dwelling with an attached garage where the interior width of the garage is 52.9% of the width of the main wall of the principal building. The applicant is seeking relief from Section 3.18.3.d) of Zoning By-law 080-13 which

requires a maximum interior width of a private garage be a maximum of 50% of the width of the main wall of the principal building on the lot, to a maximum of 9 metres.

| Application Number | By-law Section | Requirement | Proposed     | Difference |
|--------------------|----------------|-------------|--------------|------------|
| A-059-2024         | 3.18.3 d)      | 50%         | 52.9% (8.4m) | 2.9%       |

**SURROUNDING LANDS:**

|              |  |
|--------------|--|
| <b>North</b> | Kennedy Rd, Single detached residential lots     |
| <b>East</b>  | Single detached dwelling (860 Blackwoods Ave)    |
| <b>South</b> | Blackwoods Ave, Single detached residential lots |
| <b>West</b>  | Single detached dwelling (868 Blackwoods Ave)    |

**ANALYSIS:**

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| <b>Site Inspection Date</b>   | January 15, 2025  |
| <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 property is designated Residential Low Density One on Schedule B1 in the Town’s Official Plan.</p> <p>Section 10.2.2 Residential Low Density permitted use permits single detached dwellings and accessory structures on the subject property. The proposed variance with respect to the use of a new single detached dwelling maintains the purpose and intent of the Official Plan. The proposed development 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 and meets all existing zoning permissions including height and setbacks, with the exception of projection and garage width</p> <p>Section 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. Section 10.2.7 states the maximum height of buildings shall not exceed two (2) storeys. The submitted elevation drawings note the dwelling is a two-storey dwelling with an attached three-car garage which fits within the character of the area of mainly one and two storey dwellings with attached garages.</p> <p>Section 10.1.44 states that attached garages facing the front yard shall be designed to be proportional and not dominate the building facade, and should not project beyond the front facade of the dwelling or a covered front porch if provided. The general intent of the Official Plan policies is to ensure garages are recessed and do not dominate the façade of the building. Based on the elevations submitted, Staff support a three-car garage in this location as being only 2.9% wider than 50% of the main front wall, which is considered minor. Although the garage is projected slightly (about 1.2m) beyond the main front wall of the dwelling while it aligns with the covered porch, it is proposed relatively far from the front property line, which would lessen the impact on the streetscape. As a condition of approval, staff require a minor variance submitted to seek relief for the garage projection. The</p> |

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|  | <p>proposed attached garage does not appear to dominate the façade, but appears in balance with the upper storey windows, double door entrance and first floor window.</p> <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>Given the above, as stated, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</p>  |
| <p><b>Maintains the purpose and intent of the Zoning By-law:</b><br/><input checked="" type="checkbox"/> Yes<br/><input type="checkbox"/> No</p> | <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. Section 3.18.3.d) does not permit the interior width of an attached garage to be more than 50% the width of the main front wall of the principal use (dwelling) for lots with frontage equal to or greater than 15 metres. The proposed dwelling meets all other regulations in Table 4.2 a of Zoning By-law No. 080-13, including lot coverage, height and setbacks.</p> <p>The purpose and intent of this regulation is to ensure garages do not dominate the façade of the dwelling, consistent with Official Plan policies. In this case, the interior width is less than 9m (about 8.4m) but is about 52.9% the width of the main front wall (50% is allowed). The proposed three-car garage is 2.9% wider than the maximum 50%, which in the context of the proposed house design is considered relatively minor.</p> <p>Section 3.18.1(e) states on lots with a lot frontage of less than 20.0 metres, a detached or attached garage shall not be permitted to project past the main front wall of the principal building. Where a front porch is provided, the detached or attached garage may project no more than 1.0 metre beyond the main front wall of the principal building. Upon future review of the application, additional variance has been identified. Based on Staff's calculation, the proposed garage projects approximately 1.2 metres beyond the main front wall of the principal building. Staff has recommended a condition that a minor variance application be applied for to the Committee of Adjustment to seek relief for the garage projection.</p> <p>Considering the drawings submitted, the garage would not dominate the dwelling visually or project substantially beyond the dwelling, which contains multiple windows and a portico/porch area with double entrance doors. The proposal appears to comply with all other zone provisions, including setbacks, height, and lot coverage. The size and scale of the proposal would be in keeping with the character of the neighbourhood and would not appear to cause adverse impact in the residential neighbourhood with respect to streetscape and massing.</p> |

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|  | 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.   |
| <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>The size and scale of the proposed development is in compliance with all other zone provisions including minimum yard setbacks, height and lot coverage, and would in keeping with character of the neighbourhood and would not appear to cause any adverse impact.</p> <p>The proposed garage does not dominate the home visually and is in balance with the façade. The proposed interior width of the attached garage exceeds the main front wall width of the principal building by 2.9% more than the 50% allowance while it does not exceed the maximum 9m interior width. The scale of the variance is minor, and the development is considered an appropriate use of land.</p> <p>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> |
| <b>The variance is minor in nature:</b><br><input checked="" type="checkbox"/> <b>Yes</b><br><input type="checkbox"/> <b>No</b>  | <p>In addition to the above analysis, Staff are of the opinion that the proposed variance for a slightly increased garage width yard is considered minor in nature, subject to the recommended conditions. A variance would also be required for projection greater than 1m which can be a condition. Alternatively, the application could be deferred until the additional variance is submitted.</p>   |

**CONCLUSION:**

The Planning Department recommends approval of application A-059-2024 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:** January 16, 2025

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

**FILE/APPLICATION:** A-059-2024

**SUBJECT:** 862 Backwoods 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. This property currently has two building violations an Order to Comply, and an Order to Uncover for beginning construction without a building permit. Ensure a building permit is issued before proceeding with any construction.
2. When applying for building permit for a new dwelling, 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:** January 23, 2024

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

**FILE/APPLICATION:** A-059-2024

**SUBJECT:** 862 Blackwood 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.