

# **Summary of Comments**

A-056, 061 & 062-2021

782 Lockhart Road



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-056-2021, A-061-2021, A-062-2021  
**RELATED APPLICATION(S):** N/A  
**MEETING DATE:** October 21, 2021  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Steven Montgomery, BURPI. (Hons), MCIP RPP  
Supervisor of Development Acceleration  
**SUBJECT:** Minor variance applications A-056-2021, A-061-2021 and A-062-2021 seeking relief from Section 3.3 b), 3.3 d) and 3.17.1 a) of the Zoning By-Law to construct a detached garage closer to the front lot line than the principal building with a gross floor area of 61 m<sup>2</sup>, with a front yard setback of 21.12m.

---

### PROPERTY INFORMATION:

<b>Municipal Address</b>	782 Lockhart Road
<b>Legal Description</b>	PLAN 1032 Lot 83
<b>Official Plan</b>	Residential Low Density 1 (Schedule B5)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-049-2021 subject to the following conditions:

### CONDITIONS:

- 1.) That the variance apply exclusively to the garage as shown substantially in conformity to the drawings submitted with this application
- 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. Visual screening in the form of hedging shall be required along the western side of the structure from the neighbouring dwelling to the west and the garage shall be substantially visually screened from Lockhart Road.
- 3.) That no windows be provided on the western facing wall and the that the detached garage be located at least 1.5m from the interior side lot line (standard minimum setback of a dwelling).

**REASON FOR APPLICATION:**

The applicant is proposing to construct a detached garage with a gross floor area of 61m<sup>2</sup>, closer to the front lot line than the dwelling. The applicant is seeking relief from Section 3.3 b), 3.3 d) and 3.17.1 a) of the Zoning By-law which require that gross floor area or footprint of an accessory building or structure to not exceed 50 m<sup>2</sup> (3.3 b)), or be closer to the front lot line than the dwelling or located in the front yard (3.3 d) and 3.17.1 a)).

Application Number	By-law Section	Requirement	Proposed	Difference
A-056-2021	3.3 b)	50m <sup>2</sup>	61m <sup>2</sup>	11m <sup>2</sup>

**SURROUNDING LANDS:**

North	Single-detached dwelling
East	Poplar Road
South	Lockhart Road
West	Single-detached dwelling

**ANALYSIS:**

Site Inspection Date	October 7, 2021
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 in the Official Plan on Schedule B5. The subject lands contain an existing dwelling and driveway, and a detached garage and straightened driveway are proposed.</p> <p>Section 10.1.40 states building height, massing and architectural features of infill developments and intensification shall respect and fit in to the context of the local character of the Primary, Urban and Village Settlements in which they are located. Section 10.1.41 states that 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 9.9.6 also states that applications should be approved that maintain neighbourhood character in terms of the 'location and predominance of garages.'</p> <p>The location of the existing dwelling, which according to Town records was built in 1975, is unusual in that it is positioned towards the rear of the lot, with driveway access from the exterior side lot line onto Poplar Road. The proposed garage is larger than the maximum 50m<sup>2</sup> requirement and is proposed to be located in the front yard due to the location of the dwelling. As the structure is larger than normal, Staff can support the proposal subject to a visual screening condition to screen the structure from the amenity area of the lot to the west and from Lockhart Road. No windows should be allowed on the western face of the garage to allow privacy to the neighbouring dwelling to the west and an increased setback is proposed due to the size of the</p>

	<p>garage to reduce visual bulk and massing concerns, shadowing and privacy.</p> <p>Staff also note detached structures in Section 3.3 b) of the Zoning By-law cannot exceed the height of the principal use (dwelling), which relates to the regulation of hierarchy of structures on a property, visual bulk and massing, streetscape, and community character. Staff understand the proposed garage will not exceed the height of the dwelling.</p> <p>Staff require a tree preservation, protection and planting plan be submitted, consistent with Section 15.1.6 of the Official Plan and Section 15.1.2, which states there shall be no net loss of trees as a result of development, and Section 15.1.4 which states additional trees may be required to be planted by development proponents.</p> <p>Staff are satisfied subject to the conditions that the application maintains the general purpose and intent of the Official Plan, as discussed.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential 1 (R1) Zone in Town of Innisfil Zoning By-law No. 080-13, which allows a maximum 50m<sup>2</sup> detached garage. Staff have supported larger garages in the past up subject to conditions such as visual screening.</p> <p>The purpose and intent of 3.3 b) of the Zoning By-law with respect to a maximum 50m<sup>2</sup> area is to allow a reasonable sized garage for two cars, while not contributing to overdevelopment of the lot, or causing issues with visual bulk and massing of structures on a property, allowing for provision of sufficient amenity space, and assisting in the regulation of lot coverage in terms of potential drainage/run-off.</p> <p>Staff are of the opinion the scale and massing of the garage, at about 11m<sup>2</sup> larger than the maximum of 50m<sup>2</sup>, can be considered 'minor' in scale subject to the proposed conditions which reduce its visual impact. A reasonable amount of amenity space is still being provided, overall lot coverage is met, and the lot itself is quite large. The garage should be vegetatively screened from the neighbouring dwelling to the west and sufficiently from Lockhart Road, and setback further than 1m (recommended 1.5m) as the size of the garage (and therefore its west facing wall) is larger than normal and is proposed in very close proximity to an existing dwelling. No windows are recommended facing the neighbouring dwelling for privacy reasons.</p> <p>Section 3.3 d) and 3.17.1 a) relate to a requirement not to have the garage in the front yard or closer to the front lot line than the dwelling. The general intent is to ensure that accessory buildings such as garages are located in the rear of lots or interior side yard of lots, to allow some visual screening in the sense they do not project beyond the principal dwelling, to provide an attractive streetscape that is not dominated by garages. In this case the pre-existing unusual position of the dwelling and driveway has resulted in the proposed location. The proposed detached garage would not appear to be located closer</p>

	to Lockhart than the existing dwellings to the west. As long as the garage is visually screened, with slightly larger interior side yard setback (due to the larger size of the garage and abutting dwelling) and no windows facing the neighbouring dwelling (as requested through the proposed conditions), Staff can support this meets the intent of the Zoning By-law.
<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	Given the location of the dwelling and existing driveway, the proposed garage is considered appropriate development subject to the proposed conditions respecting visual screening, setbacks and windows to reduce privacy, shadowing and visual bulk concerns and impacts on neighbouring property. Staff have recommended approval of detached garages of this size subject to conditions, in previous Committee of Adjustment variance decisions.
<b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The variance, at about 11m <sup>2</sup> variance larger than 50m <sup>2</sup> is considered minor in scale and nature, subject to the conditions relating to visual screening, setbacks and windows. As stated, Staff have recommended approval of detached garages of this size on large lots, subject to conditions, in previous Committee of Adjustment variance decisions.

**PREPARED BY:**

Steven Montgomery, BURPI. (Hons.), MCIP, RPP  
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: October 6, 2021

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

FILE/APPLICATION: A-056, 061 & 062-2021

SUBJECT: 782 Lockhart 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. 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 comment.