

**Summary of Comments**  
A-055, A-056 and A-057-2023 –  
920 Barry Ave



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-055-2023, A-056-2023 & A-057-2023  
**MEETING DATE:** November 16, 2023  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris, Senior Planner  
**SUBJECT:** Minor variance applications seeking relief from Section 3.5 g) of the Zoning By-law to increase the permitted height of a proposed two-storey detached garage to 6.5m (A-055-2023), Section 3.5 b) of the Zoning by-law to permit an increased gross floor area of the accessory dwelling unit to 53.15m<sup>2</sup> (A-056-2023) and Section 3.5 j) of the Zoning By-law to increase the permitted footprint of the detached garage to 62.65m<sup>2</sup> (A-057-2023)

### PROPERTY INFORMATION:

<b>Municipal Address</b>	920 Barry Avenue
<b>Legal Description</b>	Concession 4 Plan 684 Lot 18
<b>Official Plan</b>	Residential Low Density 1 (Schedule B3)
<b>Zoning By-law</b>	Residential One (R1)

### RECOMMENDATION:

The Planning Department recommends deferral of Minor Variance applications A-055-2023, A-056-2023 & A-057-2023 requesting relief from Sections 3.5 g), 3.5 b) and 3.5 j) of the Town's Zoning By-law 080-13 subject to the following requirements:

- a) Revised elevations are provided that reduce the height of the proposed ADU to 6m or less and that the second storey terrace is removed from the design
- b) Building footprint is calculated based on the updated design which excludes the terrace
- c) The applicant confirms calculations for gross floor area of the existing dwelling and gross floor area of the proposed ADU in accordance with the definitions from the zoning by-law

### REASON FOR APPLICATIONS:

The applicant is proposing to demolish an existing single storey detached garage and construct a new two-storey detached garage containing a second storey accessory dwelling unit. The applicant is seeking relief from Section 3.5 g) of the Zoning By-law which states that the maximum height for a detached accessory dwelling unit shall not exceed the height of the principal dwelling or 6m, whichever is lesser. The applicant is also seeking relief from Section 3.5 b) of the zoning by-law which states that an accessory dwelling unit shall not be greater than 50% of the gross floor area of the principal dwelling on the lot, up to a maximum gross floor area of 100m<sup>2</sup>, and Section 3.5 j) which permits a maximum building footprint of 50m<sup>2</sup> in the rear yard.

Application Number	By-law Section	Requirement	Proposed	Difference
A-055-2023	3.5 g) height of the main dwelling or 6m, whichever is lesser	4m (height of existing dwelling)	6.5m	2.5m (37.5%)
A-056-2023	3.5 b)	53.15m <sup>2</sup> (50% of gross floor area of main dwelling) To be confirmed by applicant	53.15m <sup>2</sup> (to be confirmed by applicant)	To be confirmed
A-057-2023	3.5 j)	50m <sup>2</sup>	62.65m <sup>2</sup>	12.65m <sup>2</sup> (25%)

**SURROUNDING LANDS:**

<b>North</b>	922 Barry Avenue – single detached dwelling & accessory structures
<b>East</b>	Barry Avenue, 917 Barry Avenue – single detached dwelling and accessory structures on shoreline of Lake Simcoe
<b>South</b>	916 Barry Avenue – single detached dwelling & accessory structures
<b>West</b>	Elizabeth Avenue & 922 Elizabeth Avenue – single detached dwelling & accessory structures

**ANALYSIS:**

<b>Site Inspection Date</b>	November 9, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 on Schedule B3 of the Town of Innisfil Official Plan. The Residential Low Density 1 designation permits single detached dwellings and accessory structures including detached accessory dwelling units (ADUs). Section 14.3 of the Official Plan includes policies that promote and encourage developments that provide affordable and accessible housing which includes ADUs. The proposed ADU would provide an opportunity for a more affordable housing option and increase the housing diversity within the Town which in general is consistent with the goals of Section 14.3 of the Town’s Official Plan.</p> <p>Section 10.1.40 of the Official Plan requires that building height, mass and architectural features of infill development and intensification fit into the context of the local character. Surrounding</p>

	<p>dwelling on Barry Avenue are a mixture of single storey and two-storey dwellings, generally containing detached garages in the rear yard. The existing dwelling on the subject lands is 4m in height. Staff have concerns that the proposed height of the new detached garage and ADU may dominate the property in terms of built form due to the height increase. If the accessory dwelling is reduced to 6m height or less, Staff can support the accessory structure as it would not dominate the subject lands in terms of built form hierarchy or the principal dwelling being the primary structure. If the roof height of the proposed ADU is reduced to 6m, Staff are of the opinion the structure meets the purpose and intent of the Official Plan.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential One (R1) by the Town's Zoning By-law 080-13. The R1 zone permits single detached dwellings and accessory structures including ADUs.</p> <p>Section 3.5 b) of the Town's Zoning By-law requires a gross floor area maximum for accessory dwelling units of 50% of the gross floor area of the dwelling main up to a maximum of 100m<sup>2</sup>. Staff note that the gross floor area of the existing dwelling has not been provided. Staff's calculation of the gross floor area of the proposed ADU differs from what was provided on the application. Therefore staff request deferral so that the applicant can confirm the gross floor area of the existing dwelling and gross floor area of the proposed ADU in accordance with gross floor area definition of the Zoning By-law so that the variance can be confirmed and evaluated. Staff note gross floor area is the area within the outside walls of a dwelling (2.81).</p> <p>In addition, the applicant is seeking relief from Section 3.5 j) to permit the construction of a detached ADU located in the rear yard. Section 3.5 j) permits a maximum building footprint of 50m<sup>2</sup> for an ADU in a rear yard, where the proposed ADU has a building footprint of 62.65m<sup>2</sup>.</p> <p>Lastly, the applicant is seeking relief from Section 3.5 g) which states that the maximum height for a detached ADU shall not exceed the height of the principal dwelling or 6m, whichever is lesser. The main dwelling is 4m in height and the ADU is proposed to be 6.5m in height.</p> <p>Staff also request that the application be deferred until some design changes are proposed so that the height of the ADU is 6m or less in order to maintain the purpose and intent of the zoning by-law.</p> <p>The general intent of the Zoning By-law with respect to height is to ensure a hierarchy of built-form on the property where the primary dwelling remains the predominant structure on the lands. As proposed, the ADU would be substantially taller than the dwelling. If the height were reduced to 6m or less, Staff could support the variance as the maximum height for detached ADUs is 6m. Staff note that even with a 6m height, the ADU will still be taller than the dwelling however because the ADU is located in the rear yard, the main dwelling will continue to be predominant in view from the street which</p>

	<p>reduces the impact of the height difference between the dwelling and detached ADU and results in less impacts with respect to visual bulk and massing. Staff note there is historical precedent of Planning Staff requesting that ADUs are 6m or less, even if a variance is required from the dwelling height, to ensure better compatibility in terms of built-form hierarchy and visual bulk and massing of structures.</p> <p>Staff do have concerns with respect to privacy and overlook into neighbouring rear yard resulting from the proposed increased height and proposed second storey terrace. Therefore staff also recommend deferral so that the design can be updated to remove the terrace which would mitigate any privacy concerns to neighbouring lots.</p> <p>Staff would be satisfied that the proposed variances meet the purpose and intent of the Zoning By-law subject to the gross floor areas being confirmed, the height being reduced to 6m or less and the terrace being removed from the design. Deferral is recommended so Planning Staff can review revised elevations and calculations.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input type="checkbox"/>Yes  <input type="checkbox"/>No</p>	<p>The applicant is proposing to construct a two-storey detached garage containing an ADU on the second floor which will provide an affordable housing option on the subject lands. Staff are recommending deferral so that the height of the ADU be reduced to 6m or less in order to comply with the 6m maximum height for an ADU. Subject to the height being reduced to 6m or less, and subject to removal of privacy concerns with respect to the terrace, Staff are of the opinion that the proposal would be considered desirable for the appropriate and orderly development and use of the land.</p>
<p><b>The variance is minor in nature:</b>  <input type="checkbox"/>Yes  <input type="checkbox"/>No</p>	<p>With the requested revisions to the height of the ADU to 6m, the proposal to construct a detached garage with a second storey ADU with an increase size and an increase in height would be minor in nature. However as stated, Planning Staff would request revised elevation drawings before supporting an ADU 6m in height, and clarification with respect to the gross floor area of the dwelling and ADU, so it is understood what % the variance is</p>

**PREPARED BY:** Keirsten Morris, Senior Planner

**REVIEWED BY:** Steven Montgomery, Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** November 8, 2023

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

**FILE/APPLICATION:** A-055, 056 & 057-2023

**SUBJECT:** 920 Barry 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. 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. The applicant/owner shall obtain a demolition permit for the existing accessory structures and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

**MEMORANDUM TO FILE**

**DATE: November 9, 2023**

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

**FILE/APPLICATION: A-055, A-056, and A-057-2023**

**SUBJECT: 920 Barrie 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. Please check with the Planning and 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. Applicant shall provide servicing plan for approval.



Sent via e-mail: [thaghsheenas@innisfil.ca](mailto:thaghsheenas@innisfil.ca)

November 7, 2023

**Municipal File No.: A-055; A-056; A-057-2023**  
**LSRCA File No.: VA-132217-110723**

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

Dear Mr. Haghshenas,

**Re: Application for Minor Variance**  
**920 Barry Ave**  
**Town of Innisfil**  
**Owner: Michael Wilson**  
**Applicant: Phil Lamadeleine**

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 is proposing to construct a detached garage with a 2<sup>nd</sup> storey habitable unit. The applicant is seeking relief from the following sections of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 3.5 (b) of the By-law which restricts the maximum gross floor area of an accessory dwelling unit to 50% or less of the gross floor area of the principal dwelling (53.15m<sup>2</sup>), whereas the proposal is requesting a gross floor area of 65.67m<sup>2</sup>.
- Relief from Section 3.5 (g) of the By-law which restricts the maximum height of an accessory dwelling unit to 6 metres, whereas the proposal is requesting a maximum height of 6.5 metres.
- Relief from Section 3.5 (j) of the By-law which restricts the building area to a maximum of 50m<sup>2</sup>, whereas the proposal is requesting a maximum building area of 62.7m<sup>2</sup>.

**Documents Received and Reviewed by Staff**

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

- Application Package (dated October 11, 2023)
- Site Plan and Elevation Drawings

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 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 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**

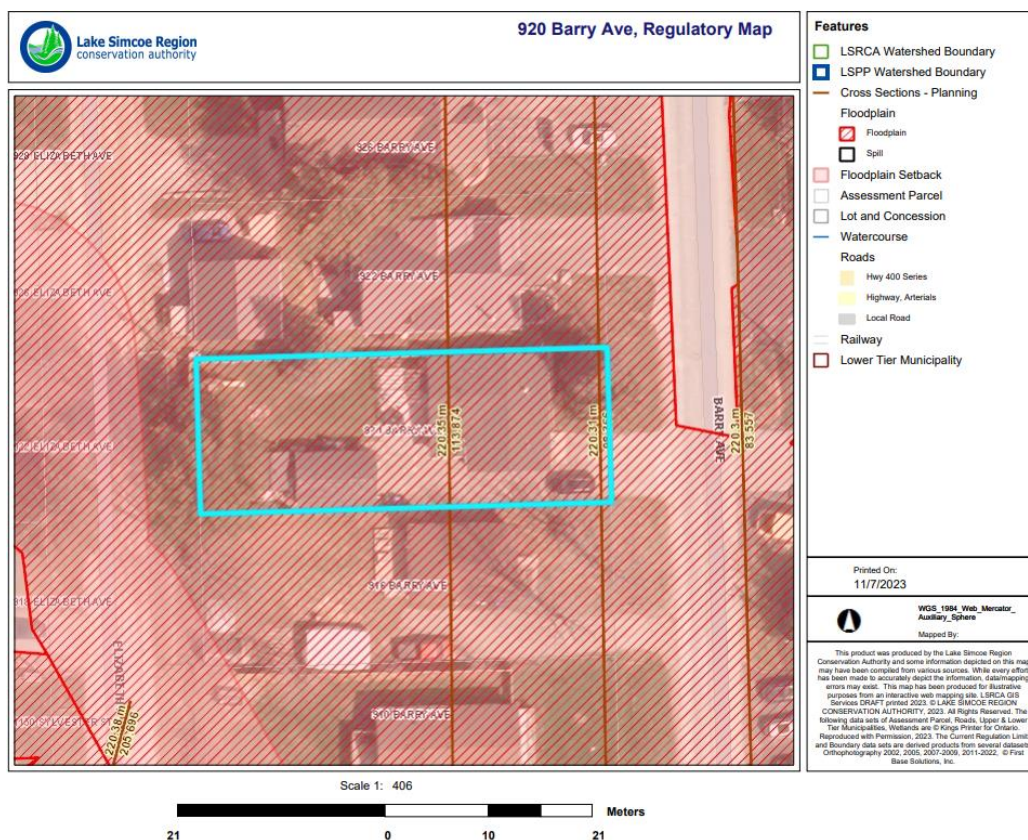
Based on our review of the submitted information in support of the application, it is determined that this application is not consistent with Section 3.1 of the Provincial Policy Statement (PPS). On this basis, the LSRCA recommends deferral of this application for Minor Variance until such time that the applicant demonstrates conformity through the submission of a topographic survey and floodplain analysis.

**Site Characteristics**

The subject land is approximately 0.15 acres (0.06 hectares) and is located west of Barry Ave within the Town of Innisfil. The subject land is within the ‘Residential 1 Zone’ (R1) as per Town of Innisfil Comprehensive Zoning By-law 080-13.

Existing environmental mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06. This is representative of the identified flood hazard area (Riverine floodplain hazard associated with a tributary of Carson Creek). Please see a detailed regulatory map below.



*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 3.1 of the Provincial Policy Statement (PPS). At this time, the proposal is not consistent with Section 3.1 of the PPS.

The proposed development is located within a riverine floodplain area. A floodplain analysis will be required to demonstrate that the new dwelling unit would be located outside of the hazardous area and that safe access could be achieved.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. 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 179/06 applies to the subject property. Accordingly, the development would be required to be in compliance with the LSRCA's Ontario Regulation 179/06 Implementation Guidelines and would require a permit from the LSRCA prior to any development or site alteration taking place.

#### **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*.

#### **Provincial Policy Statement, 2020**

Section 3.1 of the PPS provides policies relating to natural hazards. As per Section 3.1.1, "*Development shall generally be directed to areas outside of ... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.*"

The current proposal would locate the new dwelling unit within hazardous land that is impacted by flooding and therefore is not consistent with the previously noted policy.

#### **Ontario Regulation 179/06 under the *Conservation Authorities Act***

As per Section 5.3.4 of the LSRCA's Ontario Regulation 179/06 Implementation Guidelines, "*a proposal to increase the number of dwelling units within an existing structure or to change the existing use of a building or structure to an institutional or residential use is not supported within the floodplain.*"

The current proposal would create an additional dwelling unit within the floodplain and therefore is not consistent with the previously noted policy. A floodplain study could be completed to potentially demonstrate that the new dwelling unit is located outside of the hazard limits.

**Summary**

Based on our review of the submitted information in support of this application, it is determined that this application is not consistent with Section 3.1 of the PPS. On this basis, LSRCA recommends deferral of this application for Minor Variance until such time that the Applicant can demonstrate to the satisfaction of the LSRCA that the proposal is consistent with the PPS.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated;
2. Ontario Regulation 179/06 applies to the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place;
3. That the Applicant/Owner provide the required fee payment for Minor Variance (Major – technical review required) of \$2079, as per the LSRCA Fee Schedule.

Please inform this office of any decision made by the municipality 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 ([j.lim@lsrca.on.ca](mailto:j.lim@lsrca.on.ca)).

Sincerely,

A handwritten signature in blue ink that reads "J Lim." The signature is written in a cursive, flowing style.

Jessica Lim  
Planning Analyst  
Lake Simcoe Region Conservation Authority (LSRCA)