

**Summary of Comments**  
A-013-2024 - 3544 Crescent  
Harbour Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-013-2024  
**MEETING DATE:** May 16, 2023  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Toomaj Haghshenas  
Development Planner  
**SUBJECT:** Minor variance application A-013-2024 seeking relief from Table 4.2(a) Zoning By-law No. 080-13 for an increase to the maximum permitted building height of principal building or structure in a Residential 1 (R1) zone.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	3544 Crescent Harbour Road
<b>Legal Description</b>	PLAN 1016 LOT 18
<b>Official Plan</b>	Residential Shoreline Area and Key Natural Heritage Features & Key Hydrologic Features (Schedule B11)
<b>Zoning By-law</b>	Residential 1 (R1) and Environmental Protection (EP)

### RECOMMENDATION:

The Planning Department recommends deferral of A-001-2024, as the plans provided do not accurately reflect the requested variance. Revised plans with criteria set out in the Building Department's comments will be required for further review.

Application Number	By-law Section	Requirements	Proposed	Difference
A-013-2024	Table 4.2a	Max 9m	9.4m	+0.4 m

### REASON FOR APPLICATION:

The applicant is proposing to construct a new single-detached dwelling with a height of 9.4m. The applicant is seeking relief from Table 4.2a of the Zoning By-law which permits a maximum building height of 9m for principal buildings/structures in the Residential 1 (R1) zone.

**SURROUNDING LANDS:**

<b>North</b>	Vacant lot
<b>East</b>	Single-detached dwellings (shoreline)
<b>South</b>	Single-detached dwelling
<b>West</b>	Vacant lot (forested area/woodlands)

**ANALYSIS:**

<b>Site Inspection Date</b>	May 1, 2024
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are designated Residential Shoreline Area and Key Natural Heritage Features &amp; Key Hydrologic Features (Schedule B11). All development is contained within the Residential Shoreline Area designation which permits single detached dwellings. The subject lands are also within a Natural Heritage System (NHS) Overlay as per Schedule B of the Official Plan. Section 17.1.8 of the Official Plan requires a Natural Heritage Evaluation (NHE) for new development in the NHS; however, considering the proposed development is contained entirely within the Shoreline Residential Area designation and existing R1 zoning, outside any Lake Simcoe Region Conservation Authority (LSRCA) regulated area, Planning staff can accept a tree preservation and compensation plan in lieu of a NHE. The tree preservation and compensation plan will also be 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. The tree preservation plan requirements will be addressed through a condition of approval.</p> <p>The proposed single detached dwelling 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. The proposed dwelling is reasonable in terms of location (outside Key Natural Heritage Features &amp; Key Hydrologic Features) and size and represents appropriate development within the context of the character of the neighborhood.</p> <p>The proposal in general meets the purpose and intent of the Official Plan. However, staff are recommending deferral due to inaccurate plans. Incorrect Geodetic benchmarks and elevations have been provided.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are zoned Residential 1 (R1) and Environmental Protection (EP) in the Town’s Zoning By-law 080-13. All development is contained within the R1 zone which permits single detached dwelling and accessory structures.</p> <p>Table 4.2 a of the Town’s Zoning By-law permits a maximum building height of 9m for principal buildings/structures in the Residential 1 (R1) zone. The height variance is required due to the high-water table on the property which requires the home to be built at a lesser depth within the ground. The dwelling will have a greater height per the zoning definition.</p> <p>The proposed development complies with all other provisions in the</p>

	<p>Zoning By-law, including lot coverage and all yard setbacks.</p> <p>The purpose and intent of Table 4.2a of the Zoning By-law with respect to a maximum 9m height is to ensure that dwellings do not overshadow and negatively impact neighbouring properties in terms of shadowing, noise or privacy, and also to reduce visual bulk and massing of structures in general on a property.</p> <p>Staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law subject to any proposed conditions, in that it would not negatively impact neighbouring properties in terms of visual bulk and massing, shadowing, noise or privacy. However, staff are recommending deferral due to inaccurate plans. Incorrect Geodetic benchmarks and elevations have been provided.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The proposed development envelope is located outside the Environmental Protection (EP) zone. It is also contained outside the and Key Natural Heritage Features &amp; Key Hydrologic Features designations.</p> <p>Similar development is taking place on the abutting lot to the south of the subject lands. The height variance is required due to the high-water table on the property; and will not have any additional impacts to neighboring properties.</p> <p>Given the proposed location and height of the dwelling and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land. However, staff are recommending deferral due to inaccurate plans. Incorrect Geodetic benchmarks and elevations have been provided. Revised plans are required.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>Staff are of the opinion that the proposed variance could be considered minor, subject to any proposed conditions, due to the proposed scale and location of the structure which will have limited impacts to neighboring properties, and the proposed development meeting all other provisions of the Zoning By-law. However, inaccurate plans were provided.</p> <p>For clarity, the building department requires the Lot Development Plan and Architectural drawing set to be congruent, specifically for Geodetic benchmark and elevations. The Lot Development Plan indicates in the Zoning Information Box that the building height is &lt;9m, but the variance is for 0.4m over the 9m permitted by the Zoning By-law. The Architectural drawing set does not reflect a house that has a raised basement, the drawings submitted indicate a house built with the first floor at/near grade. The Geodetic Heights indicated on the Architectural drawing set do not match the geodetic elevations for this area of Ontario. Amendments to the plans are required before staff can recommend approval.</p>

**PREPARED BY:**

Toomaj Haghshenas,  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** May 10, 2024

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

**FILE/APPLICATION:** A-013-2024

**SUBJECT:** 3544 Crescent Harbour Rd.

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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. 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).
2. When applying for building permit for the new dwelling, please ensure that the designer taking responsibility for any of the plans must be qualified and registered in the Province of Ontario.

**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. Please provide drawings that incorporate the following:
  - a. Lot Development Plan and Architectural drawing set to be congruent, specifically for Geodetic benchmark and elevations.
  - b. Lot Development Plan indicates in the Zoning Information Box that the building height is <9m, variance is for 0.4m over the 9m permitted by the zoning by-law, please amend.
  - c. The Architectural drawing set does not reflect a house that has a raised basement, the drawings submitted indicate a house built with the first floor at/near grade, please amend.
  - d. The Geodetic Heights indicated on the Architectural drawing set do not match the geodetic elevations for this area of Ontario, please amend.

