

Summary of Comments

A-005-2024 – 913 Church St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-005-2024
MEETING DATE: April 18, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-005-2024 seeking relief from Sections Section 3.27 of Zoning By-law No. 080-13 to permit the addition of an accessory dwelling unit in a mixed-use zone with legally existing, non-conforming residential use.

PROPERTY INFORMATION:

Municipal Address	913 Church Drive
Legal Description	CON 4 PLAN 1363 LOT 38
Official Plan	Downtown Commercial Area
Zoning By-law	Mixed Use 4 (MU4)

RECOMMENDATION:

The Planning Department recommends approval of A-005-2024 subject to the following condition:

- 1.) That the variance apply exclusively to the submitted drawings and that any future development of the land be subject to the Zoning By-law.

Application Number	By-law Section	Requirements	Proposed	Difference
A-005-2024	3.27	Prohibits the expansion of legally existing, non-conforming use	Residential addition in the form of a new accessory dwelling unit	N/A

REASON FOR APPLICATION:

The applicant is proposing to construct an accessory dwelling unit (ADU) addition to an existing two-storey single detached dwelling. The ADU will have a proposed footprint of approximately 41.8m² with an approximate height of 3.66 m. The applicant is seeking relief from Section 3.27 of the Zoning By-law which prohibits the expansion of a legally existing non-conforming use and/or building. The applicant is seeking to expand the legal non-conforming use in order to permit an

accessory dwelling unit addition to the existing dwelling in a Mixed-Use 4 (MU4) zone. The MU4 zone does not permit a single detached dwelling as a principal use.

SURROUNDING LANDS:

North	Single-detached dwelling
East	Commercial plaza and Single-detached dwelling
South	Commercial plaza
West	Church Drive and Single-detached dwellings

ANALYSIS:

Site Inspection Date	April 5, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Lefroy-Bell Ewart. The subject lands are designated Downtown Commercial Area in schedule B3 of the Official Plan. The Downtown Commercial Area designation does not prohibit single-detached dwellings and accessory structures that pre-existed the current Official Plan designation. Section 22.13.2 of the Official Plan states that “<i>nothing in this Plan shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council</i>”. In addition, Section 22.13.4 permits the limited expansion to a legal non-conforming use while considering the need for the expansion of the use, the size of the expansion, compatibility with the surrounding neighbourhood, traffic and parking impacts and adequacy of municipal services.</p> <p>Section 14.3 of the Official Plan includes policies that promote development that provides 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 purpose and intent of the Town’s Official Plan.</p> <p>Section 19.2.10 of the Official Plan states that development shall be undertaken in conformity with the residential design policies of Section 10.1. 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 properties include various detached single-family dwellings. The property backs onto a single-detached dwelling and a two-storey commercial plaza located directly to the East and South.</p> <p>Staff have no objections to a proposed ADU on the subject lands which in general meets the purpose and intent of the Official Plan.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Mixed Use 4 (MU4) in the Town’s Zoning By-law 080-13. The MU4 zone permits many commercial and institutional uses as well as accessory apartment dwellings but only if they are accessory to a commercial use. It does not permit a single detached dwelling and associated accessory structures, including accessory dwelling units (ADU), as the principal use. However, the residential use was in place prior to the day of passing of By-law 080-13 which renders the dwelling as a legally existing, non-conforming</p>

	<p>use.</p> <p>As stated, the current MU4 zoning, which was put in place to allow higher density mixed use development, does not permit single-detached dwellings and accessory dwelling units as accessory use and structures. The general intent of the provisions of the Zoning By-law is to encourage the lands zoned MU4 to enhance into a more compact built form once redeveloped in conjunction with other properties along this section of Killarney Beach Road. The existing single detached dwelling can accommodate the accessory dwelling unit addition with a minimal footprint increase, while providing adequate parking. The subject property also fits with the character of surrounding properties which have residential uses, including two adjacent properties with the same legally existing, non-conforming use designation. It is considered that reasonable amenity space is provided in the rear yard, and the regulations of Section 3.5 for accessory dwelling units are met (parking is met, the ADU is less than 50% of the GFA of the principal dwelling and less than 100m², at 41.81m²). The rear yard setback of the addition is 2.25 m which, although there are no regulations for this in the MU4 Zone, is considered reasonable in the context that rear yard amenity space is being provided to the north of the ADU based on the setback of the existing dwelling. The interior side yard setback of 0.61m is also considered reasonable and similar to the minimum allowable 0.6m setback in an R2 Zone, however Staff note there is no interior side yard setback requirement in the MU4 Zone. Although there are many structures on the property, the overall lot coverage of all buildings appears to be about 33% including the ADU, which is compatible with a typical residential zone such as R1 (which allows 35% lot coverage). Staff note the MU4 Zone currently has no lot coverage requirement.</p> <p>The proposed ADU meets all Section 3.5 ADU regulations of the Zoning By-law of a residential zoned property. Considering the above, staff are in support of the proposed ADU as it meets the general intent of the Zoning By-law. All other provisions of the Zoning By-law are met.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The applicant is proposing to construct an accessory dwelling unit (ADU) addition to an existing single-family dwelling which will provide for affordable housing on the subject lands.</p> <p>The proposed ADU addition to the existing dwelling is not considered to be out of character with the surrounding neighbourhood. All other provisions of the Zoning By-law are met, including minimum yard setbacks, height, lot coverage and parking. Amenity space is provided in the rear yard. Staff consider the proposed expansion of the legal non-conforming dwelling to accommodate an accessory dwelling unit in the basement reasonable development given these matters.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion that the variance could be considered minor, subject to the proposed condition, due to the existing use, and proposed scale and location of the structure which will have limited impacts to neighboring properties, and the proposed development</p>

	meeting all other provisions of the Zoning By-law. The ADU is considered an expansion to a non-conforming use as stated and meets all other requirements of the Zoning By-law.
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PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Engineering

MEMORANDUM TO FILE

DATE: April 12, 2024

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

FILE/APPLICATION: A-005-2024

SUBJECT: 913 Church Street

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.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: April 12, 2024

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

FILE/APPLICATION: A-005-2024

SUBJECT: 913 Church St.

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