

Summary of Comments

A-010-2024 -1428 Thomas Dr



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-010-2024
RELATED APPLICATION: B-011-2022
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-010-2024 seeking relief from Table 4.2(a) of Zoning By-law No. 080-13 for minimum front yard setback in the Residential 1 (R1) Zone.

PROPERTY INFORMATION:

Municipal Address	1428 Thomas Drive
Legal Description	PLAN 123 PT BLK F PT LOTS 9 TO 11 PT GEORGE ST RP
Official Plan	Hamlet Residential (Schedule B10)
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends approval of A-010-2024, subject to the following condition:

- 1.) That the Certificate of Official for severance application B-011-2022 be issued by the Town and that the new lot is subsequently registered.

Application Number	By-law Section	Requirements	Proposed	Difference
A-010-2024	4.2 (a)	6 m	3 m	+3 m

REASON FOR APPLICATION:

The applicant received approval for a proposed severance (File # B-011-2022) in which the applicant was proposing to sever the subject property at 1428 Thomas Drive to create one new residential lot. Condition #8 of this approved severance required that “the Owner/Applicant obtain additional minor variance approvals for the detached garage, or obtain a demolition permit from the Community Development Standards Branch (Building Department) for the detached garage, or relocate the detached garage to comply with the Zoning By-law”. The applicant has chosen to proceed with the variance route; as such, the applicant is seeking relief from Table 4.2(a) of the Zoning By-law which requires a minimum front yard setback of 6 m for all accessory structures in

the Residential 1 (R1) zone. The structure is currently in compliance with Table 4.2(a) of the Zoning By-law since it's currently located over 1 m away from the rear lot line. Once the severance is completed, the current rear lot line will become the front lot line which will render the existing garage non-complying, hence the need for the variance.

SURROUNDING LANDS:

North	Blain Street and Single-detached dwellings (Low density residential)
East	Single-detached dwelling (Low density residential)
South	Thomas Drive and Agricultural lands
West	Single-detached dwelling (Low density residential)

ANALYSIS:

Site Inspection Date	May 6, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Hamlet Residential in the Official Plan (Schedule B10) which permits single detached dwellings and accessory structures.</p> <p>The existing detached garage is located in the current rear yard and is considered of a reasonable scale proportionate to the lot which meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character. Once severance B-011-2022 is completed, the current rear yard will become a front yard. The existing detached garage is reasonable in terms of location and size and represents appropriate development within the context of the character of the neighborhood. No new development is proposed for this variance as it is to an existing garage.</p> <p>The proposal in general meets the purpose and intent of the Official Plan subject to the proposed condition.</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 Residential 1 (R1) in the Town's Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, including detached garages.</p> <p>Table 4.2(a) of the Town's Zoning By-law requires a minimum front yard setback of 6 m for all accessory structures in the Residential 1 (R1) zone which will render the existing detached garage non-complying with a setback of 3m once the approved severance has been completed. The purpose and intent of Section 4.2(a) of the Zoning By-law with respect to a minimum front yard setback is to allow reasonable amenity space, and to curtail visual bulk and massing on a site, as well as minimize concerns respecting stormwater run-off and drainage. Additionally, the purpose and intent of Section 4.2(a) of the Zoning By-law with respect to a minimum front yard setback is to ensure that adequate separation distances are maintained from abutting streets while reducing building massing along the streetscape and allowing parking space for cars. The existing detached garage currently meets the above-mentioned intent of section 4.2(a) of the by-law, and will continue to do so once the severance is completed. Ideally garages should be 6m from the street, however the garage is not proposed to be moved and there are no doors on the front of the structure. Parking would be on the</p>

	<p>south side of the garage with a new driveway off Blain Street.</p> <p>As such, staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed condition.</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 existing detached garage is located on the north side of the property in the current rear yard which will become the front yard once the approved severance has been completed. The existing garage will require a new driveway off Blaine St and an entrance permit from the Town will be required. Staff have no concerns as this matter was addressed as a condition of severance file B-011-2022.</p> <p>The existing detached garage will continue to be in an acceptable location for the appropriate/orderly development of the land and is not proposed to be moved. As stated above, Staff have no major concerns about the proposed setbacks of the garage and the visual bulk and massing of the structure in general, in context of its relation to the street and neighbouring lands, as well as the context of the future severance.</p> <p>Given the above, and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land.</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 proposed variance could be considered minor, subject to the proposed condition, due to the proposed scale and location of the structure which currently has limited impacts to neighboring properties, the fact that the structure is existing, and the structure meeting all other provisions of the Zoning By-law.</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

FILE/APPLICATION: A-010-2024

SUBJECT: 1428 Thomas Drive

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 comments.

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: May 9, 2024

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

FILE/APPLICATION: A-010-2024

SUBJECT: 1428 Thomas Drive

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.

MEMORANDUM TO FILE

DATE: May 13, 2024
FROM/CONTACT: Milan Boldin, milanb@innpower.ca
FILE/APPLICATION: A-010-2024
SUBJECT: 1428 THOMAS DR

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):

CUSTOMER MUST SERVICE THE RETAINED LOT OFF OF BLAIN STREET AS IT IS CURRENTLY FED FROM THOMAS STREET AT CUSTOMERS COSTS BECAUSE EXISTING SERVICE COMING FROM THOMAS STREET WOULD CREATE A TRESPASS SITUATION ON THE PROPOSED NEW (SEVERED) LOT.

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)

