

Summary of Comments

**A-027-2025, A-028-2025 &
A-029-2025**

4630 Highway 89



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-027-2025, A-028-2025 & A-029-2025

MEETING DATE: July 17, 2025

TO: Sarah Burton Hopkins
Secretary Treasurer Committee of Adjustment

FROM: Ingrid Li, Development Planner

SUBJECT: Minor variance applications A-027-2025, A-028-2025, A-029-2025 seeking relief from Table 8.1 of the Zoning By-Law to reduce the required interior side yard setback (east) from 10m to 3m, to reduce the rear yard setback from 10m to 2.73m, and relief from Section 3.27(a) of Zoning By-law No. 080-13 to permit a pool house in an Agricultural General (AG) Zone with legally existing, non-conforming use.

PROPERTY INFORMATION:

Municipal Address	4630 Highway 89
Legal Description	Concession 10 Part Lot 1, 51R13943 Part 1
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Agricultural General (AG) Zone

RECOMMENDATION:

The Planning Department recommends approval of applications A-027-2025, A-028-2025, & A-029-2025 subject to the following conditions:

CONDITIONS:

- 1.) That the architectural drawing be revised with a proposed maximum height of five (5) meters for the proposed pool house at the building permit stage;
- 2.) That the variances only apply to the submitted drawings, subject to a revision to show a maximum 5m height for the pool house and no other design changes, including that no kitchen be included that would otherwise define the structure as a dwelling through the Building Permit review process,, and that any future development of the lands be subject to the Zoning By-law;
- 3.) That any existing mature 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, location of new trees and tree protection measures during construction.

Note: Staff note an additional variance would need to be submitted for the proposed pool, as this also requires a variance to 3.27 (a) as it represents further expansion of a non-

complying use. These applications were made for the proposed pool house. Staff further note a kitchen (stove) is not permitted in the pool house.

REASON FOR APPLICATIONS:

The applicant is proposing to construct a pool house with an eastern interior side yard setback of 3m and a rear yard setback of 2.73m in the rear yard of the subject lands, near the northeast corner. The applicant is seeking relief from Table 8.2 of the Zoning By-law which requires interior side yard setback and rear yard setback to be a minimum of 10m. 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 existing legal non-conforming use (single detached dwelling) in order to permit a pool house in the Agricultural General (AG) Zone. The AG Zone does not permit a single detached dwelling as a principal use.

Application Number	By-law Section	Requirement	Proposed	Difference
A-027-2025	Table 8.2	10m- Interior	3m	7m
A-028-2025	Table 8.2	10m- Rear	2.73m	7.27m
A-029-2025	3.27(a)	Prohibits the expansion of legally existing, non-conforming use	A pool house associated with the existing legal non-conforming use (single detached dwelling)	N/A

SURROUNDING LANDS:

North	Agricultural lands
East	Rural Residential dwellings
South	Highway 89, agricultural lands
West	Agricultural lands

ANALYSIS:

Site Inspection Date	July 3, 2025
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject property is designated Agricultural Area on Schedule B in the Town's Official Plan. Section 18.3.2 only permits one single detached residence as an accessory use to an existing farm operation. It does not appear agricultural uses have been established on the property. In 2022, the application applied to reconstruct and expand a legal non-conforming use (single detached dwelling) and on the subject property and Minor Variance application A15-2022 was approved. Section 18.3.5 notes the minimum farm size shall be 40 hectares. Accordingly, the property is an extremely undersized agricultural parcel being approximately 8,100 m ² (0.81 ha) and appears it functions in a legal non-conforming manner as a Rural Residential property with an existing single detached dwelling and a detached shop rather than active agricultural lands, which has reduced setback requirements in the implementing Town Comprehensive Zoning By-law.

	<p>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, increase in noise/vibration/dust/fumes etc., traffic and parking impacts and adequacy of municipal services. The proposed pool house will not affect the existing residential use on the subject lands which will continue to fit in within the context of the existing neighborhood. A pool house and pool are common place in properties with a residential principal use.</p> <p>Given the above, Staff are of the opinion the applications maintain the purpose and intent of the Official Plan.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject property is zoned Agricultural General (AG) in the Town's Zoning By-law 080-13, which only permits a single detached dwelling as an accessory use to a permitted use. Permitted principal uses noted in Table 8.1 include agricultural use, riding and racing stable, or existing nursery, none of which appear to exist on the property. As such, the existing residential use is considered a legal non-conforming use, and a variance is required for expanding a legal non-conforming use under Section 3.27 to ensure appropriate setbacks, lot coverage and other zoning requirements, and land use compatibility with adjacent uses to permit the proposed pool house. The proposed pool house is incidental and subordinate and to supporting the principal use and future pool on the subject lands and is compatible with the surrounding neighbourhood.</p> <p>Section 3.3 f) states no accessory building shall exceed the height of the principal building on the lot or 5m, whichever is the lesser. The architectural drawing indicates a proposed height of 5.32m to the mid-point of the gabled roof, which would trigger another variance. Upon discussion with the applicant, they have agreed to revise the architectural drawing to comply with the maximum height requirement. Staff have included a condition in this regard. In addition, the floor plans include freezers and a dining area within the pool house. Staff note that kitchen facilities(stove) are not permitted within an accessory structure unless it is an accessory dwelling unit (ADU) (this structure is not being reviewed as an ADU, but a pool house). As a note Staff have stated a kitchen (e.g. ability to have a stove in the structure) is not permitted.</p> <p>The applications also propose a reduction for the eastern interior side yard setback for the proposed pool house from 10m to 3m, and a reduction for the rear yard setback from 10m to 2.73m.</p> <p>The purpose and intent with respect to a minimum interior side yard setback is to ensure that adequate separation distances are maintained from abutting properties to ensure privacy, drainage, and ease of maintenance, as well as to limit visual bulk and massing. Although the subject property is zoned Agricultural General (AG) Zone, it is an undersized agricultural lot that has most recently been used for residential purposes rather than agricultural purposes. Staff note the minimum required interior side setback of the accessory structures for</p>

	<p>the adjacent Residential Rural (RR) Zone properties is 3m. As per site plan, only one corner of the pool house is set back at 3m from the interior side lot line, the opposite corner is set back farther at 4.06m. The angular confirmation prevents the full length of the building being closed to the adjacent lot and help to minimize the visual bulk and massing impact. There are no windows proposed on the east side of the pool house, which will also reduce any privacy issues and overlook. Staff note that there is existing fence to the east, which could assist in reducing visual impacts on the neighboring property to the east. As such, the proposed interior setback of 3m will not negatively impact neighbouring rural residential properties to the east of the subject property.</p> <p>The purpose and intent of Section 8.2 a of the Zoning By-law with respect to a minimum rear 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. The requested 2.73m setback for the accessory building will not have negative visual impacts on the property to the north since the adjacent property is used for agricultural purposes with no dwelling in proximity to the proposed structure, and sufficient amenity spaces are maintained on the property.</p> <p>Subject to the conditions, the proposed development is considered to maintain the purpose and intent of the Zoning By-law.</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 seeks to construct a pool house on the subject property. Staff note the property is an undersized agricultural lot and agricultural uses have not existed for some time. Given the context of the site, the proposed development with reduced rear yard and interior yard setbacks is desirable for the appropriate/orderly development of the land. As stated above, Staff have no major concerns about the proposed setbacks of the pool house and the visual bulk and massing of the structure in general. Further, Staff consider the proposed expansion of the legal non-conforming residential sue to accommodate a pool house as reasonable development considering it is incidental and subordinate to supporting the principal use and future pool on the subject lands and is not considered to be out of character with the existing surrounding neighborhood.</p> <p>Considering the above, Staff are of the opinion the variances are desirable for the development of the land subject to the conditions</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Although the variances of the setbacks are not arithmetically minor (7m decrease), it can be considered minor due to its limited impacts to neighbouring properties and based on the context of the site. Staff do not anticipate any negative impacts to neighbouring properties and consider the variances to be minor in nature subject to the conditions.</p>

PREPARED BY:

Ingrid Li
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: July 10, 2025

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

FILE/APPLICATION: A-027, 028, 029-2025

SUBJECT: 4630 Highway 89

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 50m² 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 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 comments.