Summary of Comments

A-2025-051

4 Church St

COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): **A-2025-051**

MEETING DATE: **October 16, 2025**

TO: **Sarah Burton Hopkins**
Secretary Treasurer of the Committee of Adjustment

FROM: **Savana Hasan**
Assistant Development Planner

SUBJECT: **Minor variance application A-2025-051 seeking relief from Section 4.2a) of Zoning By-law No. 080-13 to permit a side yard setback of 0.51m for an accessory structure.**

PROPERTY INFORMATION:

Municipal Address	4 Church Street
Legal Description	PLAN 1331 PT LOT 50
Official Plan	Downtown Commercial Area (Schedule B2)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of minor variance application A-2025-051.

Application Number	By-law Section	Requirements	Proposed	Difference
A-2025-051	4.2a)	Minimum side yard setback for accessory structures: 1m	0.51m	0.49m

REASON FOR APPLICATION:
The applicant is seeking relief from Section 4.2a) of the Zoning By-law for an as-built shed. The minimum required interior side yard setback for an accessory building is 1m as per Section 4.2a) of the Zoning By-law. The proposed setback for the as-built shed is 0.51m.

SURROUNDING LANDS:

North	Side and rear yards of 3 King St N and 2 Elizabeth St, single detached dwellings and detached accessory structures
East	6 Church St, single detached dwelling

South	Parking lot, mixed use area
West	2 Church St, single detached dwelling with detached accessory structure

ANALYSIS:

Site Inspection Date	October 1, 2025
Maintains the purpose and intent of the Official Plan: **☒Yes** **☐No**	The subject lands are located within the settlement area of Cookstown and are designated as Downtown Commercial Area as per Schedule B2 of the Official Plan. The Downtown Commercial Area designation does not prohibit single-detached dwellings and detached accessory structures that pre-date the current Official Plan, therefore, the as-built shed is legal non-conforming as per Section 22.13.2. The as-built shed is considered compatible with the residential design policies under Section 10.1.40 of the Official Plan where the massing, height, and architectural features of the shed fit into the context of the surrounding neighbourhood's character, as surrounding properties include various detached accessory structures; some of which are located close to lot lines. The subject lands are located in the Cookstown Heritage Conservation District (HDC) so the shed must be in accordance with the Cookstown Heritage Conservation District Plan and Design Guidelines as per Section 4.2.16 of the Official Plan. Due to the size of the shed, being 8.7m2 in gross floor area, a Heritage Permit is not required. Considering the above, Staff consider that the shed maintains the purpose and intent of the Official Plan.
Maintains the purpose and intent of the Zoning By-law: **☒Yes** **☐No**	The subject lands are zoned Residential 1 (R1) in the Town's Zoning By-law 080-13. The R1 zone permits accessory detached structures, such as the as-built shed. Section 3.3c) requires accessory structures in Residential zones to comply with the regulations provided in Table 4.2a) where the minimum interior side yard setback is 1m. The proposed interior side yard setback for the as-built shed is 0.51m. The purpose of 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. Only one corner of the shed is deficiently set back, whereas the shed meets all other regulations in Table 4.2a). The shed is only 8.7m2 in gross floor area, thus not requiring a Building Permit, and the access door does not face any abutting property. The shed has existed since 2018 and is smaller in size than the two sheds that were located near the east interior property line prior to 2018 (now removed). Staff note that there is existing fencing and cedar hedging to the east of the shed which aids in reducing visual impact on the neighbouring property. Based on the location of the access door of the shed, the massing and scale of the shed, and the existing fencing, Staff are not concerned about privacy or visual impacts to neighbouring properties.

	Considering the above, Staff consider the proposal is to maintain the purpose and intent of the Zoning By-law.
The variance is desirable for the appropriate/orderly development or use of the land: **☒Yes** **☐No**	The applicant is proposing a reduced interior side yard setback for an as-built shed constructed in 2018. Staff note that surrounding properties also have detached accessory structures located close to interior lot lines. Given the context of the site, the proposed development with a reduced interior side yard setback is appropriate for the lands. As noted above, Staff have no major concerns over the visual bulk and massing of the structure, or its impact on neighbouring properties. Furthermore, the shed is considered to be reasonable since it is evidently subordinate to the principal use on the subject lands, so much so that it does require a Building Permit, and it is not considered to be out of character with the surrounding neighbourhood. Aside from the interior side yard set back of the shed on the east property line, all other provisions of the Zoning By-law are met. Staff consider shed as reasonable development given these matters.
The variance is minor in nature: **☒Yes** **☐No**	Staff are of the opinion that the variance could be considered minor, due to the existing use, and scale and location of the structure in which no negative impacts to neighbouring properties are anticipated. Staff are satisfied that the site plan, signed by an architect, and the affidavit provided with the application are generally sufficient with respect to confirming the proposed setback.

CONCLUSION:

Staff recommend approval of minor variance application A-2025-051.

PREPARED BY:

Savana Hasan,
Assistant Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning

Community Development Standards Branch

MEMORANDUM TO FILE

DATE: October 8, 2025

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

FILE/APPLICATION: A-2025-051

SUBJECT: 4 Church St.

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: October 16, 2025

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

FILE/APPLICATION: A-051-2025

SUBJECT: 4 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.

[redacted]

Friday October 10, 2025

Subject: Request for Relocation of Shed – Application A-2025-051

TO: THE COMMITTEE OF ADJUSTMENT FOR APPLICATION A-2025-051

Dear Members of the Committee,

I am writing to formally request the intervention of the Committee of Adjustment regarding the shed located at 4 Church St., Plan 1331 Lot 50, as referenced in application number A-2025-051.

This request is based on the property's non-compliance with By-law 080-13, specifically Section 4.2a, as the shed is placed illegally and fails to maintain the general intent and purpose of the Innisfil zoning by-law. The location of the shed, combined with cedar bushes planted between the shed and the property line (see Photo 3), obstructs airflow, leading to several issues outlined below:

1. Non-Compliance with By-law: The shed does not adhere to the setback regulations established by the By-law, which is a fundamental requirement.

2. Access Issues: The current placement of the shed does not provide adequate space for future repairs (see photo #1), which could lead to potential structural issues or maintenance hazards.

3. Odor and Aesthetics: The storage of equipment (see photo #2), outdoor furniture, bags with beer cans, bags with grass clippings, and similar items (for several months there was a used toilet within plain sight as well) this confined area is/was causing a strong odour and creates an undesirable view from my property. This goes against the intent and purpose of By-law 080-13, which aims to ensure the property's character and resolve health concerns or nuisances arising from improper storage and lack of required airflow.

4 Church St solicited signatures on September 10th, the Notice Of Public Meeting sign was not erected until approximately October 1st and we recevied our letter from the town only on October 7th. This did not allow us the opportunity to speak with neighbours about the full issue/impact.

The current owners of 4 Church St. built the shed in question. Within the application for a minor variance, they note that they had a survey. This demonstrates that there was a lack of due diligence, follow up and regard for innisfil by-laws and respect of neighbouring properties.

There has been a history of 4 Church St. circumventing by-law and trespass (See Photo #4-8)

Considering these factors, I respectfully request the removal or relocation of the shed within a reasonable timeframe to ensure compliance with the zoning by-law and to restore the intended quality of life and property aesthetics.

Sincerely,

Dallas Dunkley

Photo#1 (the set back is less then 0.5 meters and within that less then 0.5 meters there are cedar bushes between the shed and the property line)

Photo #2 (Constant storage and garbage)

Photo #3 (you can see below that the bushes beside the shed (between the 0.5 setback and the property line, will continue to grow and push onto our property)