

Summary of Comments

A-001 & A-002-2022 - 7681 10th
Sideroad



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-001-2022 & A-002-2022

MEETING DATE: January 20, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Vanessa Witt, Senior Planner

SUBJECT: Minor variance applications A-001-2022 and A-002-2022 seeking relief from Section 3.3(f) for an increase to the permitted maximum building height from 5.0m to 5.4m for an existing accessory building and seeking relief from Table 4.1 to add a home industry as a permitted use on the subject property.

PROPERTY INFORMATION:

Municipal Address	7681 10 Sideroad
Legal Description	CON 8 N PT LOT 11
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Residential Rural (RR) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-001-2022 & A-002-2022, subject to the following conditions:

CONDITIONS:

1. That the permitted height variance only applies to the submitted drawings and that any future development of the lands be subject to the Zoning By-law;
2. That the home industry be limited to the existing buildings as shown on the submitted drawings and any expansion to the home industry require further *Planning Act* approvals;
3. That the home industry complies with Section 3.23 (Home Industries) of the Zoning By-law, as amended;
4. That the owner obtains a change of use permit for the accessory buildings from the Community Development Standards Branch; and,
5. That the owner obtains Site Plan approval in accordance with the Site Plan Control By-law.

REASON FOR APPLICATIONS:

The applicant is seeking relief from Section 3.3(f) of the Zoning By-law for an increase to the maximum height of an existing accessory structure from 5.0m to 5.4m. The applicant is seeking relief from Table 4.1 of the Zoning By-law to add a home industry as a permitted use on the subject property. Specifically, the applicant is requesting the existing custom furniture and woodworking business to locate in the two small, detached buildings on the property, which would meet the definition of a home industry rather than a home occupation. A home occupation is required to be in a dwelling and is a permitted use in an RR Zone. A home industry, by contrast, can occur in an accessory building.

Application Number	By-law Section	Requirement	Proposed	Difference
A-001-2022	3.3(f)	5.0m	5.4m	0.4m
A-002-2022	Table 4.1	Home industry not a permitted use	To permit a home industry on the subject property	Request for additional use

SURROUNDING LANDS:

North	Agricultural lands and Rural Residential, with Key Natural Heritage Features and Key Hydrologic Features designation further north
East	Agricultural lands with Key Natural Heritage Features and Key Hydrologic Features designation further east
South	Agricultural lands and Rural Residential, with Key Natural Heritage Features and Key Hydrologic Features designation further south
West	10 Sideroad and Agricultural lands

ANALYSIS:

Site Inspection Date	January 11, 2022
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Agricultural Area on Schedule B to the Town's Official Plan.</p> <p>Forested Area/Woodlands are present on the northern half of the property, which is not proposed to be developed or impacted by the proposed development. Any future proposed tree removals are subject to the Town's Engineering standards for tree compensation.</p> <p>The property is entirely within a Highly Vulnerable Aquifer. Section 15.3.2 states major development and land uses that prohibit infiltration on-site shall be directed away from Significant Groundwater Recharge Areas and Highly Vulnerable Aquifers. Since the development does not meet the definition of major development in the Official Plan and is not proposing any new buildings, staff have no concerns with this policy. The water infiltration on-site will be reviewed as necessary as part of the subsequent Site Plan Control application.</p> <p>The General Countryside policies speak to allowing development such as rural uses in the countryside area provided such uses are compatible with the rural landscape and surrounding local land uses,</p>

	<p>will be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and other resource-based uses (Section 18.1.1). The proposed home industry is not suitable in a settlement area and is compatible with the rural landscape and will not impact the surrounding agricultural uses since no new buildings or structures are being proposed. The proposed development will be sustained on rural service levels through an existing septic and private well. If any additional plumbing fixtures are proposed to be added to the existing accessory buildings, a building permit will be required where servicing capacity will be reviewed.</p> <p>Section 18.1.5 speaks to the maximum floor area of home industry accessory buildings, based on the size of the lot. Since the subject property is more than 0.4 hectares (approximately 0.8 hectares), the maximum floor area of home industry accessory buildings is 500 square metres. Together, the two accessory buildings total approximately 114 square metres (1227 square feet), based on the submitted dimensioned aerial photo dated October 29, 2021, which conforms to the Official Plan policy.</p> <p>Section 15.1.6 of the Official Plan states a tree protection plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot. Staff normally require a tree preservation and planting plan be submitted to the satisfaction of the Town as a condition of approval for the minor variance application, however since the proposed development is subject to the Site Plan Control By-law, a tree preservation and planting plan can be submitted and reviewed through the Site Plan approval process.</p> <p>Given the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</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 Residential Rural (RR) Zone in Zoning By-law No. 080-13. Table 4.1 permits a single detached dwelling, accessory buildings and structures, and a home occupation in the RR Zone. Since a home industry is not a permitted use in the RR Zone, the applicant is seeking relief to add the permitted use on the subject property. Based on the definitions in the Zoning By-law of home occupation and home industry, one of the main differences is the location in which the business is operated (the dwelling for a home occupation and accessory building(s) for a home industry). The applicant has been operating the current woodworking business out of the dwelling as a home occupation. The applicant has requested to relocate the business operation from the dwelling to the existing accessory buildings, resulting in the home industry use.</p> <p>In accordance with the home industry provisions in Section 3.23 of the Zoning By-law, a home industry allows for two employees in addition to the owner residing on the property, as well as exterior signage and permission for the parking of one commercial motor vehicle on site. Additionally, the applicant will require a change of use permit for the accessory buildings, through the Community Development Standards</p>

	<p>Branch. Due to these factors, among others, the proposed development will be required to obtain Site Plan approval in accordance with the Site Plan Control By-law.</p> <p>The applicant has also requested a minor variance for an increase to the maximum permitted height of an existing accessory building from 5.0 metres to 5.4 metres. The purpose and intent of this provision is to reduce visual bulk and massing, and to maintain the accessory buildings as subordinate to the principal building (the dwelling). Since there are limited neighbouring dwellings, with the closest one being some 80 metres to the south, the existing dwelling is two-storeys in height and is located closer to the front lot line than the accessory buildings and considering the accessory building has been existing since 1998, the proposed variance maintains the purpose and intent of the Zoning By-law. Staff have proposed a condition that this variance only applies to the existing accessory building.</p> <p>Considering the above, Staff are of the opinion the variances maintain the general purpose and intent of the Zoning By-law, subject to the proposed conditions.</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 proposed variances appear to be desirable for the use of the land, since the property contains existing accessory buildings that would be converted for the proposed home industry use. Additionally, one variance proposes to legalize the existing non-complying height of an accessory building. The applicant has been operating the woodworking business in the dwelling and has requested to expand the business into the existing accessory buildings. The woodworking business has been operating under the home occupation provisions in the Zoning By-law and would operate under the home industry provisions, should the variance be granted.</p> <p>It appears the proposed development would comply with the home industry provisions as well as the zone provisions of the Zoning By-law, including setbacks and lot coverage.</p> <p>Given the rural location, limited neighbouring dwellings, and in the spirit of supporting the continuation and expansion of home-based businesses, staff consider the proposed variances to be desirable and appropriate for the use of the land, subject to the proposed conditions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Section 45(2)(b) of the Planning Act provides the Committee with the power to permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law. After reviewing the permitted use and associated provisions of a home occupation and the proposed use and associated provisions of a home industry, staff could consider the uses to be similar in nature on this specific property given its rural location, limited neighbouring dwellings, and the relocation of the use from the existing dwelling to the existing accessory buildings, and conditioning the variance as per comments in this report. One of the proposed conditions is to obtain Site Plan approval where matters including but not limited to parking, fire access, servicing, landscaping, and signage</p>

	<p>will be reviewed. Staff have also proposed a condition to limit the home industry to the existing accessory buildings as shown in the submitted site plan drawing to reinforce the minor nature of the use.</p> <p>In consideration of the above, staff consider the proposed variances to be minor in nature given the site-specific context and subject to the proposed conditions. Staff would however, based on the conditions, request that any enlargement require additional <i>Planning Act</i> approvals. The nature of the request for a home industry use being considered through a minor variance rather than for example a Zoning By-law Amendment, is partially based on the small scale of the use, size and context of the lot, and the use of existing buildings.</p>
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PREPARED BY:

Vanessa Witt, MCIP, RPP
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: January 10, 2022

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

FILE/APPLICATION: A-001 &002-2022

SUBJECT: 7681 10th Sideroad

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