



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. A-002-2022**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Aimee Powell, applicant**, on behalf of **Derek Lunau, Owner**, for a minor variance from Zoning By-law 080-13, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **CON 8 N PT LOT 11** is known municipally as **7681 10th Sideroad** and is zoned as "**Rural Residential (RR)**".

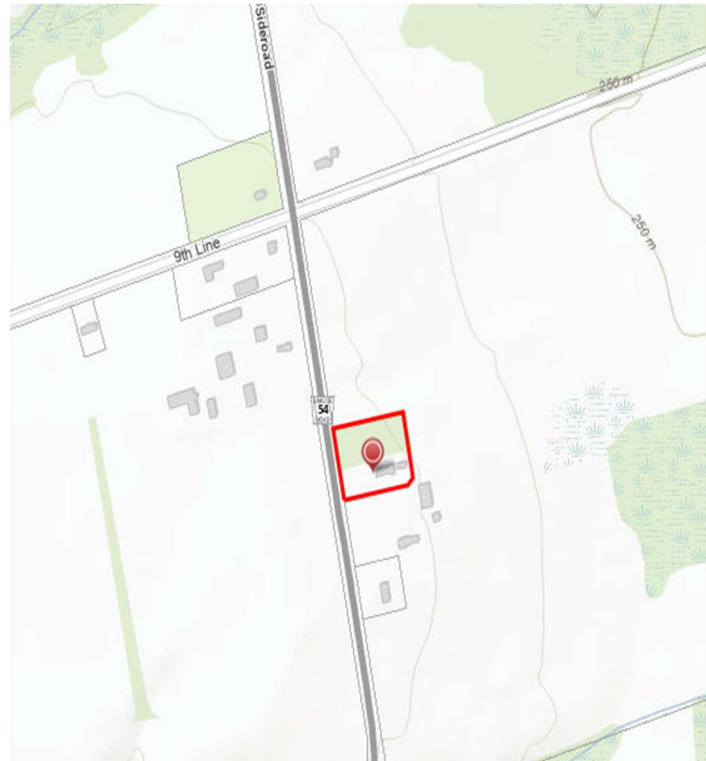
The applicant is proposing to add 'home industry' as a permitted use on the subject lands. The applicant is seeking relief from Section 4.1 of the Zoning By-law which prohibits a 'home industry' use in a Rural Residential Zone.

The Committee of Adjustment for the Town of Innisfil will consider this application through a conference call on **Thursday, May 19, 2022, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code:
<https://innisfil.ca/current-previous-applications/>.

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.

If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.



Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.

Dated: **May 2, 2022**

Toomaj Haghshenas,
Secretary-Treasurer
thaghsheenas@innisfil.ca
705-436-3710 ext. 3316

7681 10th Sideroad Dimensioned Plan in Accordance with 4.1 of the Application Form





Powell Planning & Associates

Evolution through planning & development

7681 10TH SIDEROAD
TOWN OF INNISFIL, ONTARIO

PLANNING JUSTIFICATION REPORT

NOVEMBER 2021



PLANNING JUSTIFICATION REPORT

Application for Minor Variance

PREPARED BY:

POWELL PLANNING & ASSOCIATES



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Figure 3: Innisfil Official Plan Schedule B: Land Use

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1.0 Introduction

1.1 Overview

Powell Planning & Associates (PPA) has been retained by Derek Lunau (the Landowner) to provide a request for consideration for a Minor Variance to allow for a 'Home Industry' as a permitted use and for relief of the maximum height for an accessory structure, from 5 metres to 5.4 metres, on the lands municipally known as 7681 10th Sideroad, Innisfil. The Landowner purchased the subject property in 2014 and currently owns and operates a small-scale custom furniture and woodworking business, working out of his home, that is within its first year of operation.

The Landowner is currently the only employee for the business, however, as business is becoming more in demand and production is increasing, there is a need for an expansion of the operations. It is the desire of the Landowner to utilize the existing accessory buildings and structures, the Outbuildings, located to the rear on the subject lands, for the new location of the home business. The Outbuildings are the most appropriate option for the Landowner's place of business due to their size and appropriateness to accommodate the nature of the work being undertaken. See **Figure 1: Context Map** and **Figure 2: Aerial Photo** for geographical and site context regarding the subject site.

The work being undertaken is permitted within the primary residence as a 'Home Occupation' in accordance with the Town of Innisfil's Zoning By-law 080-13 (2021). This By-law defines a 'Home Occupation' as *an occupation for gain or support conducted within a dwelling unit as a clearly incidental or secondary use to the residential use and provided the proprietor carrying out the occupation resides within the dwelling unit*. The business has outgrown its current configuration and is not well-suited to be located within the primary dwelling.

Therefore, the request for Minor Variance is to permit a 'Home Industry' as a use on the subject lands and relief of the maximum building height of an existing accessory structure is necessary. The Town's Zoning By-law 080-13 (2021) defines a 'Home Industry' as *a craft, trade, guild or service, excluding a motor vehicle repair garage and motor vehicle body shop, conducted within an accessory building on the lot as a clearly incidental or secondary use to the residential use or farm use of the property and provided the proprietor carrying out the craft, trade guild or service resides within a dwelling unit located on the same lot*.



This Report will review the merits of the proposed development in accordance with Section 45(1) of the *Planning Act* that outlines that the Four Tests of a Minor Variance must be met in order for a Minor Variance to be approved, while establishing how the proposal demonstrates good planning.



2.0 Site Description & Surrounding Land Uses

2.1 The Site

The subject site is designated as 'Agricultural Area' in the Town of Innisfil's Official Plan 'Our Place' (2018), designated as 'Agricultural' in the County of Simcoe's Official Plan (2016), and zoned as 'Rural Residential (RR)' in the Town of Innisfil's Zoning By-law 080-13 (2021). See

Figure 3: Innisfil Official Plan Schedule B: Land Use, Figure 4: Simcoe County Official Plan Schedule 5.1 Land Use Designations, and Figure 5: Town of Innisfil Zoning By-law 080-13.

The subject lands are generally rectangular in shape, located in the northwest section of the Town, within proximity to the municipal limits, east of Highway 400. The lands are immediately surrounded by Agricultural lands, with Community Service to the north and other Rural Residential lands to the north and south of the subject site. As depicted in **Figure 2**, the subject site is wooded and has three existing structures on it, one is the primary residence, one is an original Barn (Outbuilding #1) approximately 520 sq.ft in size, and the other is an existing prefabricated accessory building (Outbuilding #2) approximately 220 sq.ft in size. The site is privately serviced and is approximately 1.99 acres (.08 ha) in size, with approximately 83 metres (270 feet) of frontage on 10th Sideroad.

Below please find the land uses that immediately surround the site:

North: Agricultural, Rural Residential, Environmental Protection Lands (Key Natural Heritage Features and Key Heritage Features)

East: Agricultural and Environmental Protection Lands (Key Natural Heritage Features and Key Heritage Features)

South: Agricultural, Rural Residential, and Environmental Protection Lands (Key Natural Heritage Features and Key Heritage Features)

West: Agricultural



3.0 Proposed Minor Variance

When evaluating the merits of a Minor Variance application, Section 45(1) of the *Planning Act* establishes Four Tests that are required to be satisfied, which are:

- 1- Does the proposal meet the intent of the Zoning By-law;
- 2- Does the proposal meet the intent of the Official Plan;
- 3- Is the proposal desirable;
- 4- Is the proposal, in fact, minor in nature;

In review of the Four Tests, permission for the use of a 'Home Industry' and in accordance with 3.3 f) relief of the maximum accessory structure height of 5 m to 5.4 m on the subject lands is being requested.

Non-Agricultural Use Accessory Building Height

Standard	Required	Proposed	Variance
Maximum Building Height	5 m	5.4 m	.4 m

Test #1 – Does the proposal meet the intent of the Zoning By-law

The Town of Innisfil's Zoning By-law 080-13, (2021) zones the subject property as Rural Residential (RR). This zone allows for the following permitted uses:

- Group Home
- Public Uses
- Single detached dwelling
- Accessory buildings and structures
- Accessory Second Dwelling Unit
- Bed and breakfast
- Garden Suite dwelling
- Home occupation
- Pet day care establishment



In order to better efficiently operate the current 'Home Occupation', a Minor Variance is being requested to permit a 'Home Industry' as a use on the subject lands, as a 'Home Occupation' is limited to operating within the primary residence, which is no longer feasible or appropriate for the subject business.

Section 3.23 of the Town of Innisfil's Zoning By-law 080-13 (2021) identifies the parameters that govern the use for a 'Home Industry'. Below are the sections that are applicable to the subject Minor Variance and comment as to how they will be respected to permit the required use:

3.23.1 A home industry shall employ not more than two (2) persons in addition to the owner residing on the premises, on a full-time basis.

- The Landowner is currently the only full-time employee for the subject business and should there be an opportunity to hire additional staff to support operations, the Landowner will not employ more than two (2) persons. Therefore, this standard is being respected by the proposal.

3.23.3 On lots greater than 0.4 hectares, the maximum gross floor area of a home industry shall be 500.0 square metres.

- The subject lot is greater than 0.4 hectares in size and the gross floor area of Outbuilding # 1 and #2 where the home industry is being proposed is approximately 720 sq.ft in size (66 sq.m) which is less than 500.0 square metres. Therefore, this standard is being respected by the proposal. Should future expansion of these structures be required to support the home industry, the Landowner will remain in conformity with this standard.

3.23.4 A home industry shall be clearly secondary to the main use of the lot and shall not change the character of the lot or create or become a public nuisance, particularly in regard to noise, traffic, loading or unloading, odours, dust, fumes or parking.

- Based on the size and lot location of the Outbuildings, they are clearly secondary to the main use of the lot. The Outbuildings are existing, therefore their presence as a home industry will not change the character of the lot or create or become a public nuisance. The operation is currently taking place within the primary residence where, to the best of the knowledge of the Author of this Report, there have not been any citations for noise or nuisance concerning the current operation or its resulting traffic. The Landowner advises



that approximately 1-2 customers are on site per month for order pick-ups, as there is no showroom present on site. Due to the lot's layout and contextual location, there are no nearby neighbours, therefore the non-offensive noise that is created from woodworking would not be of concern to those that are stationary or passing by in the immediately surrounding area, nor beyond. Therefore, this standard is being respected by the proposal.

3.23.5 An accessory building or structure used for the home industry shall be permitted in accordance with the provisions for Accessory Buildings and Structures in Section 3.3. The subject proposal conforms to Section 3.3, specifically:

- given that the total lot size is approximately 87,520 sq.ft whereas the total accessory buildings and structures, the Outbuildings, size is approximately 720 sq.ft., therefore less than 10% of the total lot area
- the setbacks for the accessory buildings and structures respect Table 4.2a – Zone Regulations for the RR zone
- The accessory buildings and structures, the Outbuildings, are not located closer to the front lot line than the principal building
- The accessory buildings and structures, the Outbuildings, are not located closer to the exterior side lot line than the principal building
- The highest point of the accessory buildings and structures, the Outbuildings, measure 18 feet (5.4 m) therefore exceed the height of the principal building or 5.0 metres. Relief of .4m for the existing Barn, one of the Home Industry structure's height is being sought in this regard.

Therefore, this standard is largely being respected by the proposal.

3.23.6 An accessory building or structure used for the home industry shall be permitted only in the required rear yard and shall be subject to the provisions for Accessory Buildings and Structures in Section 3.3.

- The proposal respects the requirement for an accessory building or structure, the Outbuildings, to only be located in the rear yard and being subject to the provisions of Section 3.3.

3.23.7 Parking shall be provided in accordance with the Parking Provisions in Section 3.35.



- Parking will be provided for each employee outside of the residing Landowner, to a maximum of two employees and two parking spaces. Therefore, this standard is being respected by the proposal.

The required additional use will respect all standards for accessory buildings and structures, except for the maximum permitted height. In this regard, the relief that is sought is in keeping with the general intent of the Zoning By-law as it is an existing structure and the required relief is minimal at only .4 m. 'Home Industry' is a permitted use in the Agricultural zone, which the subject lands are completely surrounded by. Rural and Agricultural uses are similar in neighbourhood character and size, hence why the Town's Official Plan designates the subject lands as 'Agricultural Area'. Based on this analysis, the use of a 'Home Industry' on Rural Residential lands, while respecting all applicable standards of the Zoning-by law, is a highly compatible use, will increase the efficiency of the lands, fosters economic development, meets the intent of Zoning By-law 080-13, (2021) and therefore, alongside the accessory building height relief, represents good planning.

Test #2 – Does the proposal meet the intent of the Official Plan

Section 18.3 Agricultural Area of the Town of Innisfil's Official Plan 'Our Place' (2018) designates the subject lands as 'Agricultural Area'. This designation allows for the following permitted uses:

- Agricultural uses
- One single detached residence as an accessory use to an existing farm operation
- Accessory dwelling unit
- Farm help accommodation as an accessory use to a farm operation
- Agriculture-related uses, and **on-farm diversified** uses

A 'Home Industry' is permitted as an on-farm diversified use, and the Outbuildings do not exceed 500 square metres in accordance with policy 18.3.6. The Outbuildings only occupy 0.8% of the total lot area which is less than the standard that allows for a maximum of 2% lot coverage for an on-farm diversified use in accordance with policy 18.3.7. The proposal is of a small scale, is a compatible use for the subject lands, does not hinder surrounding farm operations, while supporting the agricultural character of the area. The proposal does not require the erection of a new structure or major modification. The request for relief from the accessory building height conforms to the general intent of the Official Plan. There will be proper signage for the use as



required, adequate setbacks and buffering from adjacent uses, no outdoor storage that will be visible and unscreened and should additional lighting be required, it will be designed to minimize the impact on adjacent neighbours and the agricultural character of the area.

The proposal meets the intent of the Official Plan as it will be in keeping with the character objectives of the subject lands' 'Agricultural Area' designation. The subject designation requires compatibility with existing land uses in the area, which is what the subject proposal provides. The proposal respects the growth management policies of the Official Plan, municipal resources, as the site will continue to be serviced by a private system, does not require the alteration of, or inclusion within, a Settlement Area. The subject lands are designated as 'Agricultural' in the County of Simcoe's Official Plan, where uses of this nature are permitted. Therefore, this proposal meets the general intent of the Town of Innisfil's Official Plan, 'Our Place' (2018) as well as the County of Simcoe's Official Plan (2016) and represents good planning.

Test #3 – Is the proposal desirable

The proposal is desirable as it does not propose any alterations to the size, or number of structures on the subject property. The proposed additional use is desirable for the subject lands as it pertains to existing structures that only potentially requires interior renovations for the desired use of a 'Home Industry'. A 'Home Industry' is a highly suitable use for the subject lands and their Outbuildings. It is permitted within the Town's Official Plan, is highly compatible and permitted within the zones of the surrounding land uses and requires no other exceptions to the Town's Zoning By-law, as it can exist within all applicable zoning standards, outside of the required relief for the maximum accessory building height which applies to an existing structure and has an unnoticeable impact to the subject lands.

A 'Home Industry' is a typical accessory for lands that are designated 'Agricultural Area' and aligns well with the permitted uses under the 'Rural Residential (RR)' Zone. The addition of a 'Home Industry' use will not create nuisances as the work that will take place under the 'Home Industry' use is already being undertaken in the primary residence, albeit classified as a 'Home Occupation'. The request for Minor Variance is being made due to the necessity to have a 'Home Occupation' taking place on residential lands, however inside of the primary residential dwelling unit. There would be no impact to the streetscape or character of the neighbourhood resulting from this proposal. The proposal is therefore desirable for the subject lands and the neighbourhood and represents good planning.



Test #4 – Is the proposal, in fact, minor in nature

The proposed additional use for a 'Home Industry' in the RR zone that requires .4 m relief of the maximum accessory building height is very minor in nature due to:

- It being permitted within the subject site's designations
- It being highly compatible with the surrounding area
- There being no requirement for the expansion or creation of any structures to support the subject use
- It not having an impact on the streetscape or neighbourhood character
- It being able to be adequately serviced based on existing infrastructure
- The use essentially already existing inside the property, albeit in the primary residence versus an accessory building or structure
- It not negatively impacting the site or surrounding properties
- Representing good planning by adding the potential for job opportunities and local economic development; therefore, the positive contributions of this additional use outweigh any perceived shortcomings; and
- It respecting all other applicable zoning standards and policies aside from maximum accessory building height, which only requires .4 m relief, which is minor in nature from the 5 m standard

Due to the aforementioned, the proposal is minor in nature and represents good planning.



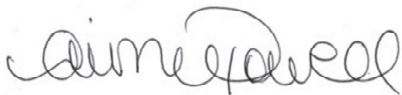
4.0 Conclusion

The subject lands located at 7681 10th Sideroad in the Town of Innisfil require the approval of a Minor Variance for the addition of a 'Home Industry' as a permitted use, for the continuation of a home operated customer furniture and woodworking business and relief from 5 m to 5.4 m for the permitted accessory structure building height. The lands are designated as 'Agricultural Area' and 'Agricultural' in the Town of Innisfil's Official Plan 'Our Place' (2018) and the County of Simcoe's Official Plan (2016), respectively. The lands are Zoned 'Rural Residential (RR)' in the Town of Innisfil's Zoning By-law 080-13 (2021).

In order to develop a professional opinion regarding the consistency and conformity of the proposed development and to determine if the proposal represents good planning, a review the proposal in accordance with the Four Tests of a Minor Variance was undertaken in this Report.

The proposed additional use of a 'Home Industry' represents a higher and better use of the subject structures and lands. The Home Industry will be located inside the subject site's accessory buildings where a maximum of 5 m height is permitted. The existing Barn measures 5.4 m therefore relief of .4 m is required. This Report demonstrates that the additional use and accessory structure height will not change the streetscape or the character of the neighbourhood, meets the Four Tests under Section 45(1) of the *Planning Act* and represents good planning.

Respectfully submitted,



Aimee Powell, B.URPI., MPA, MCIP, RPP
Chief Planning Officer
Powell Planning & Associates



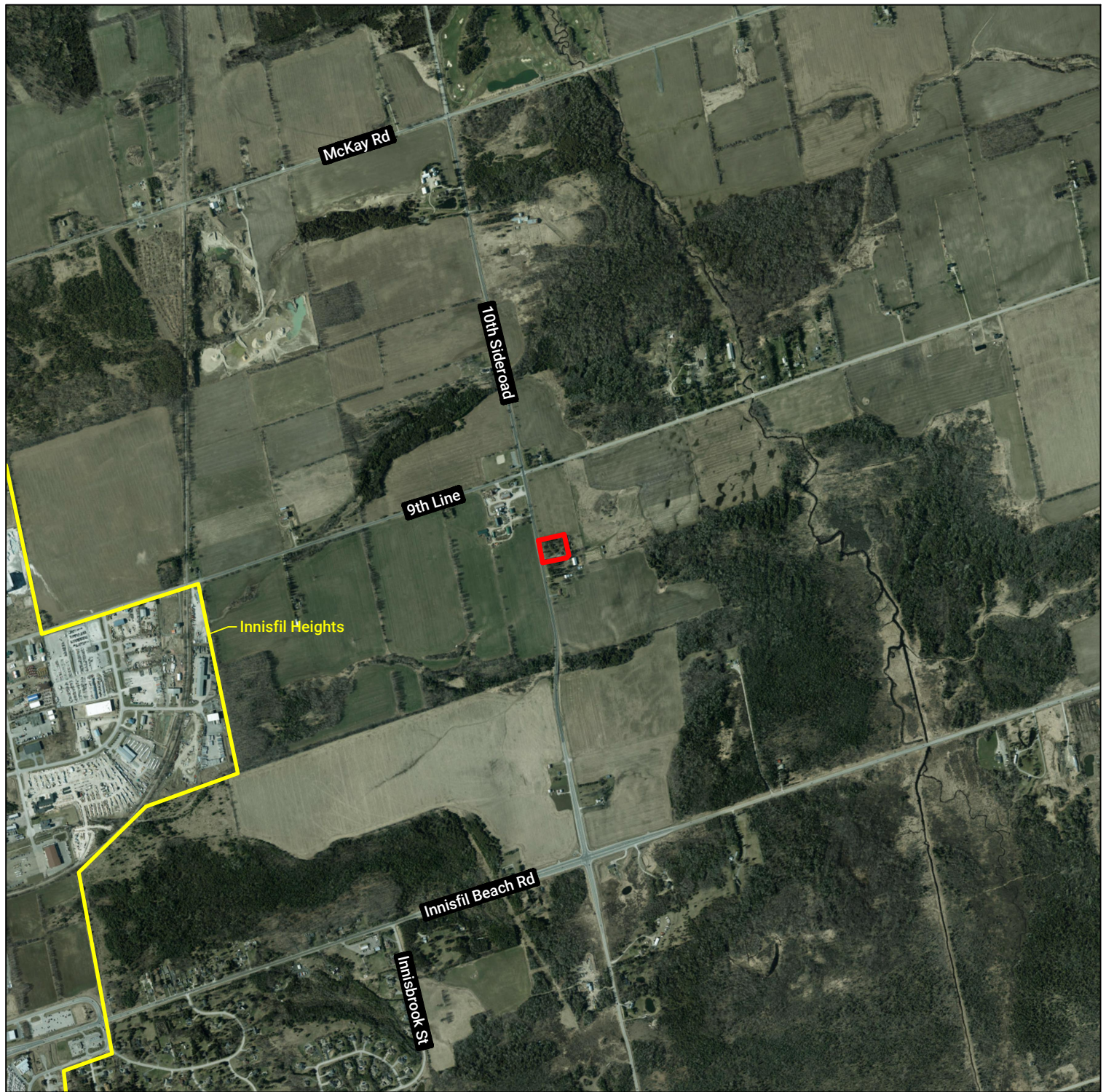
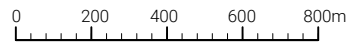


Figure 1
Context Map

7681 10 Sideroad,
Town of Innisfil,
County of Simcoe, ON

Legend

 Subject Lands



Scale: 1 : 20,000



Source: County of Simcoe Interactive map.

Drawn By: A.M.

Date: October 28, 2021

File No: 123-21



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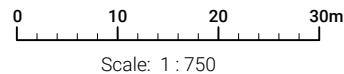
Figure 2

Aerial Photo

7681 10 Sideroad,
Town of Innisfil,
County of Simcoe, ON

Legend

 Subject Lands



Source: County of Simcoe Interactive map.
Note: This drawing is for discussion purposes only. The dimensions and areas shown are approximate.

Drawn By: A.M.

Date: October 29, 2021

File No: 123-21



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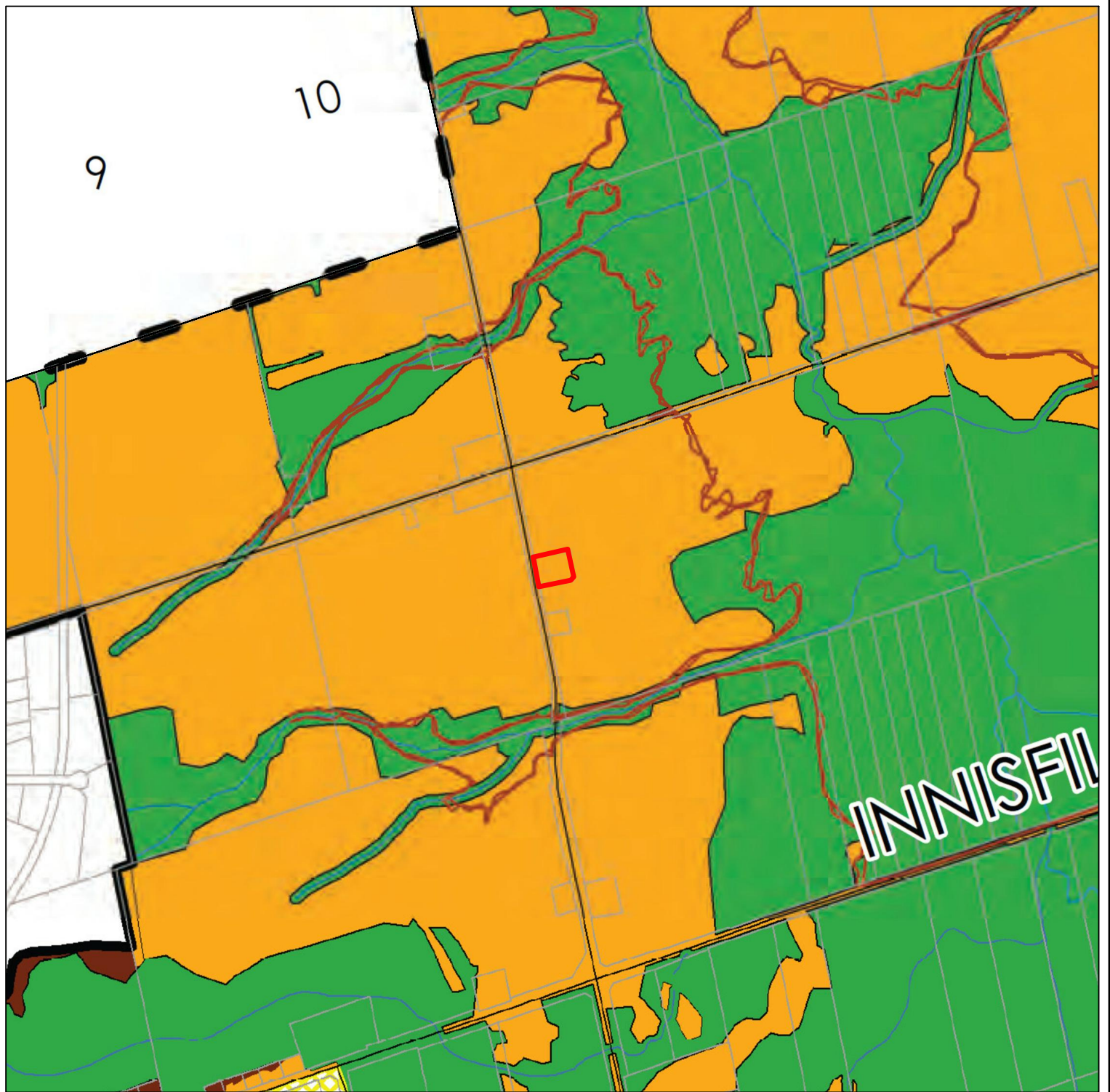







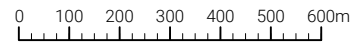
Figure 3

**Innisfil Official Plan
Schedule B: Land Use**

7681 10 Sideroad,
Town of Innisfil,
County of Simcoe, ON

Legend

-  Subject Lands
-  Agricultural Area
-  KNHF & KHF
-  Hazard Land Area Overlay
-  Rural



Scale: 1 : 15,000



Source: Innisfil Official Plan 'Our Place' Schedule B: Land Use, November 2018.

Drawn By: A.M.

Date: October 28, 2021

File No: 123-21



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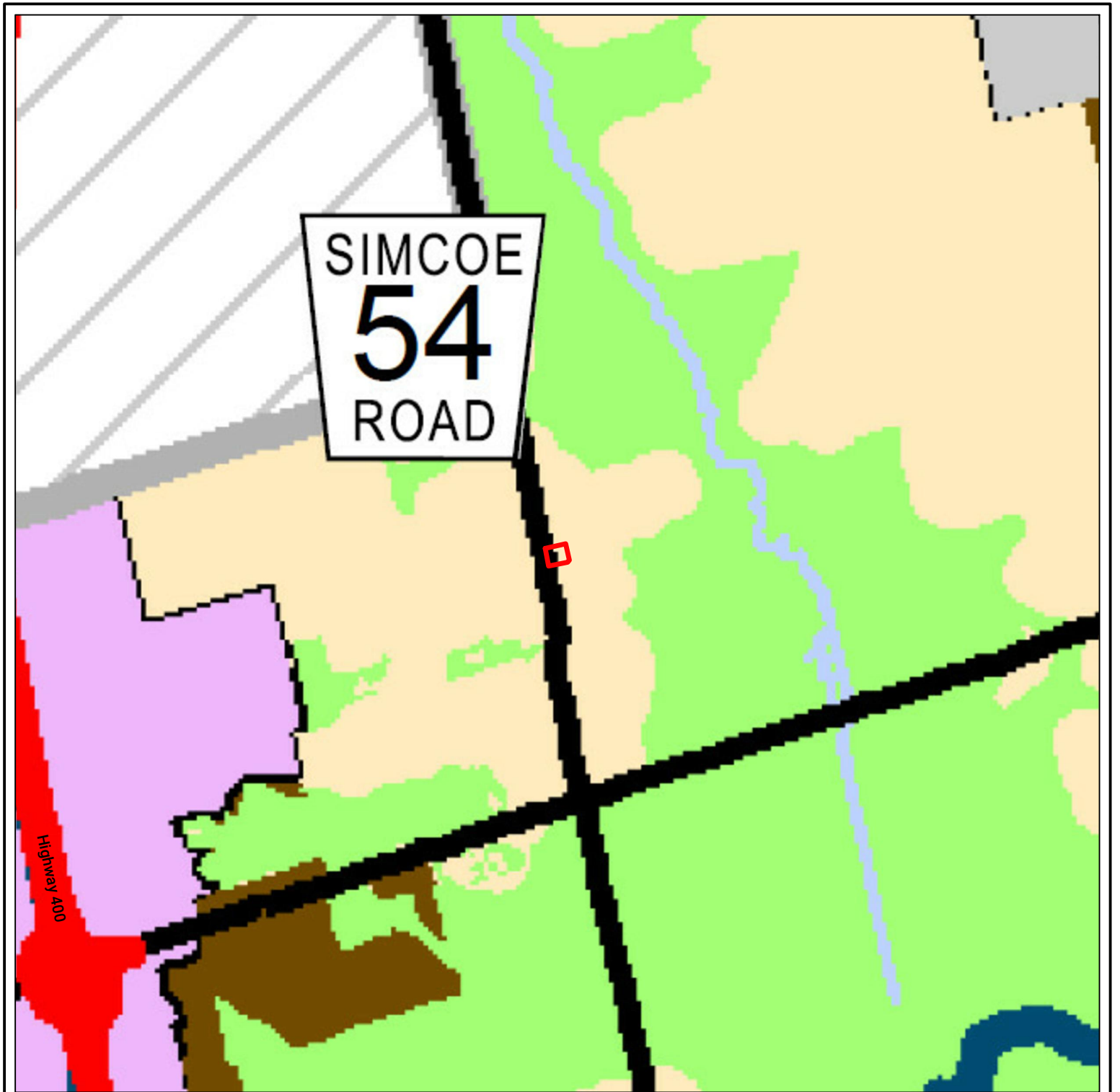


Figure 4

**County of Simcoe
Official Plan
Schedule 5.1
Land Use Designations**

7681 10 Sideroad,
Town of Innisfil,
County of Simcoe, ON

Legend

-  Subject Lands
-  Agricultural
-  Greenlands
-  Rural
-  Strategic Settlement Employment Areas and Economic Employment Districts
-  Lands Not Subject to this Plan

0 0.25 0.50 0.75 1km

Scale: 1 : 25,000



Source: Norfolk County Official Plan Schedule B-15 - Land Use Plan, January 2020.

Drawn By: A.M.

Date: October 28, 2021

File No: 123-21



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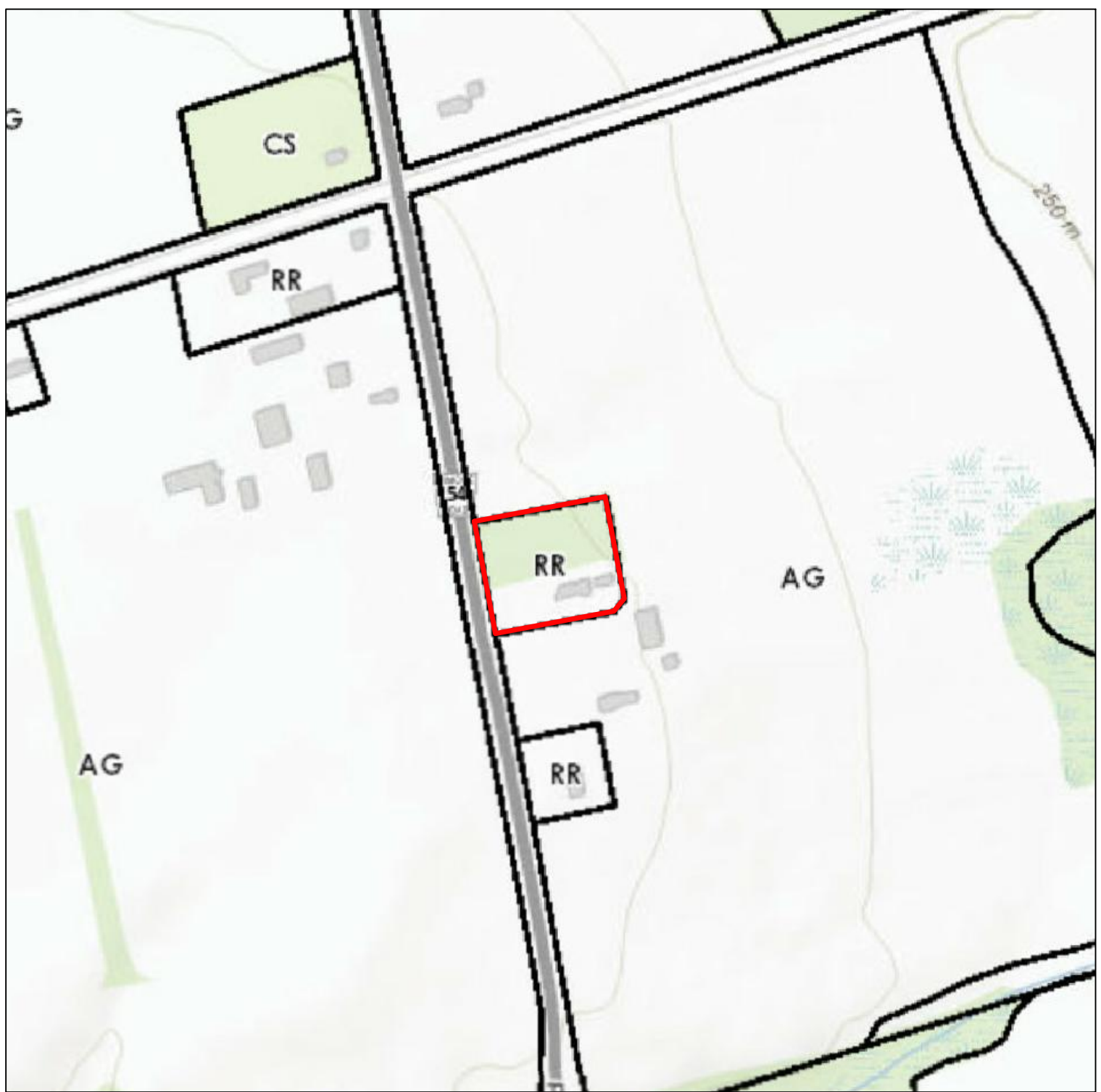


Figure 5

**Town of Innisfil
Zoning
By-law 080-13**

7681 10 Sideroad,
Town of Innisfil,
County of Simcoe, ON

Legend

- Subject Lands
- RR Rural Residential
- AG Agricultural General
- CS Community Service



Scale: 1 : 4,000



Source: The Town of Innisfil Comprehensive Zoning By-law 080-13 interactive map.

Drawn By: A.M.

Date: October 28, 2021

File No: 123-21



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