

Summary of Comments

A-036 -2022 - 779 Innisfil Beach Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-036-2022

RELATED APPLICATION(S): N/A

MEETING DATE: May 19, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Chris Cannon, Placemaker/Planner

SUBJECT: Minor variance application A-036-2022 seeking relief from Section 3.27 of Zoning By-law No. 080-13 to permit an accessory dwelling unit in the basement of the existing dwelling

PROPERTY INFORMATION:

Municipal Address	779 Innisfil Beach Road
Legal Description	Plan 766 Pt Lot 7; 51R-30843 Part 1
Official Plan	Downtown Commercial Area (Schedule B1)
Zoning By-law	Mixed Use 3 Exception (MU3-1) Zone

RECOMMENDATION:

The Planning Department recommends approval subject to the following conditions:

- 1.) That the variance apply exclusively to the existing dwelling and basement apartment as shown substantially in conformity to the drawings submitted with this application.

REASON FOR APPLICATION:

The applicant is proposing an accessory dwelling unit located in the basement of the existing single detached dwelling. The Zoning By-law as per Section 3.27 does not list a single detached dwelling as a permitted use. The applicant is seeking to expand the legal non-conforming use in order to permit an accessory dwelling unit in the basement of the existing dwelling

SURROUNDING LANDS:

North	Firehall and Innisfil Beach Park
East	Single-detached dwelling and accessory structures
South	Single-detached dwelling and accessory structures
West	Single-detached dwelling and accessory structures

ANALYSIS:

Site Inspection Date	May 5, 2022
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Downtown Commercial Area on Schedule B1 which does not prohibit single-detached dwellings and accessory structures that pre-existed the current Official Plan designation.</p> <p>The subject lands are located within a Primary Settlement Area (Alcona). Section 22.13.2 of the Official Plan states “nothing in this Plan shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council”. In addition, Section 22.13.4 permits among other things; limited expansion to a legal non-conforming use while considering the need to the expansion of the use, the size of the expansion compared to the existing operation, compatibility with the surrounding neighbourhood, traffic and parking impacts and adequacy of municipal services.</p> <p>The proposed accessory dwelling unit located within the basement of the existing dwelling respects and represents the character of Alcona and does not stand out from a street scape perspective. The actual footprint of the dwelling is being maintained and meets the parking requirement for an accessory dwelling unit.</p> <p>Subject to the condition, Staff support the applications meet the Official Plan purpose and intent.</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 Mixed Use 3 (Alcona) Exception (MU3-1) Zone in Town of Innisfil Zoning By-law No. 080-13. Section 3.27 does not permit single detached dwellings and accessory structures. As stated, the proposed existing dwelling is seeking relief to allow for an expansion to the legal non-conforming dwelling to permit an accessory second dwelling unit in the basement. Section 3.26 a) states that “the provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose not permitted by this By-law, or the repair, strengthening or restoration to a safe condition of any legally existing building or structure that is damaged or destroyed by means beyond the control of the owner, if such lot, building or structure was lawfully used for such purpose on the day of passing of this By-law, so long as it continues to be used for that purpose and provided that the repair or renovation does not further increase the building’s gross floor area.”</p> <p>The general intent of the provisions of the Zoning By-law is to encourage the lands zoned MU3-1 to enhance into a more compact built form once redeveloped in conjunction with other properties along this section of Innisfil Beach Road. The existing single detached dwelling can accommodate the accessory dwelling unit in the basement without any adding to the existing footprint, while providing adequate parking. Considering these matters, Staff support the proposed expansion of the existing dwelling to accommodate an accessory dwelling unit in the basement as it meets the general intent of the Zoning By-law.</p>

The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed expansion to the existing dwelling is not considered to be out of character with the surrounding neighbourhood. All other provisions of the Zoning By-law are met, including minimum yard setbacks, height, lot coverage and parking. Staff consider the proposed expansion of the legal non-conforming dwelling to accommodate an accessory dwelling unit in the basement reasonable development given these matters.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The variance is considered minor in nature, given the above mentioned context. The proposed expansion to the existing dwelling to accommodate an accessory dwelling unit in the basement would fit in with the surrounding neighbourhood.

PREPARED BY:

Chris Cannon
Placemaker/Planner

REVIEWED BY:

Steven Montgomery, Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: May 13, 2022

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

FILE/APPLICATION: A-036-2022

SUBJECT: 779 Innisfil Beach Rd

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. The applicant/owner shall obtain a building permit, prior to construction of the additional dwelling unit proposed in the basement, to the satisfaction of Community Development Standards Branch (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.