

# **Summary of Comments**

A-050-2022 –1242 Killarney Beach  
Road



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-050-2022  
**MEETING DATE:** July 21, 2022  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Chris Cannon, Placemaker/Planner  
**SUBJECT:** Minor variance application A-050-2022 is seeking relief from Section 3.26 of the Zoning By-Law to permit an expansion of a legal non-complying use.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	1242 Kilamey Beach Road
<b>Legal Description</b>	PLAN M15, Lot 17
<b>Official Plan</b>	Downtown Commercial Area
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-050-2022, subject to the following condition:

- 1.) That the variance apply exclusively to the dwelling as proposed substantially in accordance with the drawings submitted with A-050-2022.

### REASON FOR APPLICATION:

The applicant is proposing to construct a new single detached dwelling unit with an exterior side yard setback of 4.24m. The existing dwelling on the subject lands currently has an exterior side yard setback of 4.2m. The applicant is seeking relief from Section 3.26 of the Zoning By-law which restricts the expansion of legal non-complying uses.

### SURROUNDING LANDS:

<b>North</b>	Single detached dwelling and accessory structures
<b>East</b>	Single detached dwelling and accessory structures
<b>South</b>	Single detached dwelling and accessory structures
<b>West</b>	Single detached dwelling and accessory structures

### ANALYSIS:

<b>Site Inspection Date</b>	July 7, 2022
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<p><b>Maintains the purpose and intent of the Official Plan:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The subject property is designated Downtown Commercial Area on Schedule B3 in the Town's Official Plan. Section 22.13.2 states: Nothing shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council. Section 22.13.4 permits limited expansion to a legal non-conforming use so long as such things like the need for the expansion of the use and compatibility of the use with the surrounding area and ability of the expansion to fit in with the character of the neighbourhood. The property currently contains a single detached dwelling, the application proposes to construct a twostorey dwelling in the place of the existing one storey dwelling. The new dwelling is considered in keeping in general with the character of the area, which, although mostly one storey dwellings, does also contain two storey dwellings. The structure does not encroach further towards Ferrier Avenue. The existing zoning also allows two storey dwellings.</p> <p>Given the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The subject property is zoned Residential 1 (R1) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings and accessory buildings and structures. Section 3.26 restricts the expansion of legal noncomplying uses. The proposed new dwelling is designed to maintain the deficient exterior side yard setback of 4.24m.</p> <p>As such, Staff recommend approval of application A-050-2022 as it maintains the purpose and intent of the Zoning By-law.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>Given that this proposal is to reconstruct an existing single detached dwelling maintaining the deficiency in the exterior side yad setback. Staff determine that the Minor Variance is desirable for the appropriate/orderly development and use of the subject lands. The lot is relatively narrow (15m frontage) for a corner lot, to meet a 6m exterior side yard setback. Other zones such as R2 allow 3m exterior side yard setbacks. Notwithstanding a two storey structure is proposed, Staff are of the opinion the setback represents reasonable development in terms of visual bulk and massing and would not pose sightline or other issues, and is in line with the existing setback.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>As previously noted, the reconstruction of the legal non-complying existing single detached dwelling will not compromise the built form on the subject lands in terms of visual bulk and massing. The variance is from 6m to 4.24m which is considered relatively small in scale, especially considering existing lot dimensions of 15m frontage. Therefore, the proposal is considered to be minor in nature.</p>

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration





Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** July 14, 2022

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

**FILE/APPLICATION:** A-050-2022

**SUBJECT:** 1242 Killarney Beach Rd.

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**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. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor 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. The applicant/owner shall obtain a demolition permit for the existing accessory structure, "framed shed" and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).

## MEMORANDUM TO FILE

**DATE:** July 13, 2022  
**FROM/CONTACT:** Min Gill, min@innpower.ca  
**FILE/APPLICATION:** A-050-2022  
**SUBJECT:** 1242 Killarney Beach Road

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**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):

Owner responsible for all costs for new hydro service and/or any costs involved with relocation of service.

**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)

No Comment

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