

Summary of Comments

A-054-2022 – 6576 Yonge Street



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-054-2022
MEETING DATE: September 15, 2022
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance application seeking relief from Section 3.26 of the Zoning By-Law for an expansion to a legal non-complying building on the subject property.

PROPERTY INFORMATION:

Municipal Address	6576 Yonge Street
Legal Description	CON 5 S PT LOT 15
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Residential Rural (RR) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-054-2022, subject to the following conditions:

CONDITIONS:

- 1.) That the variances only apply to the submitted drawings and that any future development of the lands be subject to Planning Act regulations.

REASON FOR APPLICATION:

The applicant is proposing to construct an L-shaped porch with a reduced front yard setback of 2.23 metres. The existing dwelling on the subject property currently has a front yard setback of 4.38 metres. The applicant is seeking relief from Section 3.26 of the Zoning By-law which restricts the expansion of legal non-complying buildings.

Application Number	By-law Section	Requirement	Proposed	Difference
A-054-2022	Table 4.2a	Minimum Front Yard: 10 metres (Legal non-complying building: 4.38 metres)	2.23 metres	7.77 metres (Legal non-complying building: 2.15 metres)

SURROUNDING LANDS:

North	Single detached dwelling and accessory structures (6582 Yonge Street)
East	Yonge Street and agricultural lands
South	Single detached dwelling and accessory structures (6570 Yonge Street)
West	Agricultural lands

ANALYSIS:

Site Inspection Date	July 20, 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 in the Town's Official Plan. Section 18.3.2 permits agricultural uses and one single detached residence as an accessory use to an existing farm operation. One single detached dwelling is considered as a legal non-conforming use on the subject property. In accordance with Section 22.13.2, nothing shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council. Also, 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 street. Based on the scale of the lot and surrounding character, staff have no concerns with the existing residential use. The proposed porch is considered in keeping in general with the character of the street.</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>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is zoned Residential Rural (RR) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwelling and accessory structures.</p> <p>Table 4.2a requires dwellings to have a minimum front yard setback of 10 metres. According to Town records the dwelling was constructed in 1930, prior to any zoning by-law. As stated, the existing building is considered as legal non-complying and has a front yard setback of 4.38 metres which is permitted in the Zoning By-law (as a legal non-complying setback). In accordance with Section 3.26, buildings are considered to be legal non-complying if they were established legally prior to the passing of the zoning by-law but no longer comply with the new provisions of the Zoning By-law. Section 3.26 restricts the expansion of legal non-complying buildings. Thus, the proposed L-shaped porch is seeking relief through this variance application for an expansion to a legal non-complying building with a reduced front yard setback of 2.23 metres. The general intent of the minimum front yard setback provision of the Zoning By-law is to limit visual bulk and massing of buildings and structures, not be detrimental to the streetscape, provide sufficient amenity space, and provide sufficient sightlines for drivers. Though the proposed porch is designed to have an encroachment of 2.15 metres into the front yard, which further</p>

	<p>reduces the established compliance with the By-law requirement, it meets the encroachment requirement (maximum 3 metres) and all other regulations in Zoning By-law. It is considered that the porch encroachment into the front yard setback would not cause substantial concern with respect to streetscape, massing, or sightlines.</p> <p>Considering the above, the application maintains the 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 existing building complies with the policies of Official Plan and is considered as legal non-complying in the Zoning By-law. Given the location of the proposed porch in the front yard and compliance with all other zoning provisions, Staff consider the variance 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>Staff are of the opinion the variance could be considered minor, subject to conditions, due to the size of the lot, proposed location of the accessory structure on the property, having limited impacts to neighbouring properties, and the accessory structure meeting all other provisions of the Zoning By-law.</p>

PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 8, 2022

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

FILE/APPLICATION: A-054-2022

SUBJECT: 6576 Yonge 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):

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. The applicant/owner shall provide a site plan with proposed building and existing septic footprint that meets all Ontario Building Code required clearances to wells, to the satisfaction of Community Development Standards Branch (Building Department).