

Summary of Comments

A-019 and A-020-2023 - 8 Church St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-019-2023 & A-20-2023
RELATED APPLICATION(S): N/A
MEETING DATE: May 18, 2023
TO: Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment
FROM: Chris Cannon, Placemaker/Planner, Planning Services
SUBJECT: Minor variance applications A-019-2023 and A-20-2023 are seeking relief from Sections 3.3 b) and 3.18.1 g) of Zoning By-law No. 080-13 to construct a detached garage in the rear yard with an increased floor area and add a second driveway on the subject lands.

PROPERTY INFORMATION:

Municipal Address	8 Church Street
Legal Description	Plan 1331 Pt Lot 32
Official Plan	Downtown Commercial Area (Schedule B2)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of applications A-019-2023 and A-020-2023, subject to the following conditions:

- 1.) That applicant/owner shall confirm that an entrance permit from the Town of Innisfil has been obtained for the driveway/access to Elizabeth Street.
- 2.) That the proposed garage be constructed substantially in conformity with the drawings submitted with A-019-2023.
- 3.) That confirmation be provided that no trees are being removed and that tree protection fencing be provided where applicable on the site plan drawings in accordance with Town standards. If any trees are proposed to be removed during construction, a tree preservation/planting plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, location of new trees, and tree protection measures during construction of the accessory dwelling unit.

REASON FOR APPLICATIONS:

The applicant is proposing to construct a detached garage in the rear yard with a floor area of 53.42m² and is seeking relief from Section 3.3 b), which requires a maximum floor area of 50m².

Additionally, the applicant is proposing a second driveway to access the proposed detached garage and is seeking relief from Section 3.18.1 g), which permits only one (1) driveway.

The following chart depicts the standards of Zoning By-law 080-13 and the relief sought through these applications.

Application Number	By-law Section	Proposed	Difference
A-019-2023	3.3 b) 50m ²	53.42m ²	+3.42m ²
A-020-2023	3.5 c) 1 driveway	2 driveways	+1 driveway

SURROUNDING LANDS:

North	Single-detached dwelling, accessory structures
East	Elizabeth Street & Single-detached dwelling, accessory structures
South	Church Street & Single-detached dwelling, accessory structures
West	Single-detached dwelling, accessory structures

ANALYSIS:

Site Inspection Date	May 4, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Downtown Commercial Area in the Official Plan on Schedule B2 which, while not permitting the existing single-detached dwelling and accessory garage explicitly, would consider then legal-non-conforming, for which expansions are permitted under 22.13.4. Staff note the current zoning (R1) approved in 2013 does not yet conform to the 2018 Official Plan Downtown Commercial Area designation but it is expected in the future the lands would be rezoned in a manner consistent with the Official Plan. The surrounding properties are characterized primarily by single detached dwellings, accessory uses, buildings and structures. The subject site is in keeping with the existing uses by maintaining the residential uses on the lands, and is considered in keeping with the tests of 22.13.4 respecting expansion to legal non-conforming uses in the Official Plan (e.g. need for the use, limited size of the expansion, compatibility with neighbourhood, setbacks, traffic and parking impacts etc.).</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 1 (R1) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings and accessory buildings and structures which includes detached garages. Section 3.3 b) states the gross floor area or footprint of an accessory building or structure shall not exceed 50 square metres in any Residential Zone. The proposed gross floor area of the detached garage is 53.42 square metres. Section 3.18.1 g) states that only one (1) driveway per residential property is permitted. The applicant is proposing a second driveway on the property to provide access to the detached garage from Elizabeth Street.</p>

	<p>The purpose and intent of Section 3.3 b) of the Zoning By-law, is to ensure that accessory structures are smaller than the principal dwelling, and that they are limited in visual bulk and massing. The minor increase in floor area (3.42m²) will not provide a negative visual impact as far as massing and density.</p> <p>The purpose and intent of Section 3.18.1 g) is to not provide multiple points of ingress/egress to the property that could result in traffic issues and overcrowding of the lands. The existing driveway on the property is very short in length and does not provide enough room to park a vehicle and actually clutters the streetscape with the car parked laterally to the road. The proposed new driveway will provide ample access to the proposed detached garage. There are also no concerns respecting the amount of landscaped open space provided, or yard amenity space.</p> <p>Staff are of the opinion that the proposed variances to permit a slightly larger than permitted detached garage with access from the proposed second driveway meets the purpose and intent of the Zoning By-law.</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>Staff consider the variances desirable for the appropriate development of the land since the proposed use is permitted and desirable for a residential property, the garage will be screened from view by existing property fencing and the development complies with all other zone provisions, with the exception of the relief requested for the second driveway to access the detached garage and minor enlargement of garage area. Given the existing situation on the property, Staff are recommending approval of the variances.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>Staff are of the opinion that the proposed variances for the minor increase in size for the detached garage and second driveway is 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: May 12, 2023

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

FILE/APPLICATION: A-019 & 020-2023

SUBJECT: 8 Church 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):

1. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the 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



MEMORANDUM TO FILE

DATE: May 11, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-019-2023, A-020-2023 (8 Church Street)
SUBJECT: Committee of Adjustment Applications – May 2023
Engineering Services Review Comments

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):

- The Applicant/Owner shall ensure that all **swales on the property** meet the requirements set out in Section 7.3 of the Town of Innisfil (“Town”) Engineering Design Standards and Specifications Manual (“Town Standards”), as amended, and shall ensure stormwater (“SWM”) runoff does not adversely affect adjacent properties.
- The Applicant/Owner shall ensure that all **driveway location** on the property meets the requirements set out in Section 2.4.4.12.2 of the Town Standards, as amended.
- The Applicant/Owner shall prepare and submit **engineering design** drawings, specifications, and reports signed and sealed by a Professional Engineer for the property that address, but may not be limited to, such matters as site layout, **lot grading**, stormwater management, tree preservation and compensation for removal (refer to Town Corporate Policy CP.09-08 Tree Policy for Development Approvals and Town Standard Section 8.3.3), servicing, and LID measures, to the satisfaction of the Town and InnServices Utilities Inc. (“InnServices”).

Conditions 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):

- The Applicant/Owner shall prepare and submit **engineering design** drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.