

Summary of Comments

A-034-2024 -1 B George St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-034-2024
MEETING DATE: September 19, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-034-2024 seeking relief from Sections Section 3.27 of Zoning By-law No. 080-13 to permit a two-storey addition in a Residential 3 Exception (R3-1) Zone with legally existing, non-conforming residential use.

PROPERTY INFORMATION:

Municipal Address	1 George Street – Unit B
Legal Description	PLAN 32 PT LOT 6 RP 51R17303 PART 1
Official Plan	Downtown Commercial Area (Schedule B2)
Zoning By-law	Residential 3 Zone - Exception 1 (R3-1)

RECOMMENDATION:

The Planning Department recommends approval of A-034-2024 subject to the following conditions:

- 1.) That the variance apply exclusively to the submitted drawings and that any future development of the land be subject to the Zoning By-law.
- 2.) That a heritage permit be obtained prior to construction.

Application Number	By-law Section	Requirements	Proposed	Difference
A-033-2024	3.27	Prohibits the expansion of legally existing, non-conforming use	Residential addition to existing single-detached dwelling	N/A

REASON FOR APPLICATION:

The applicant is proposing to construct a two-storey addition to the existing single detached dwelling, along with a new front porch. The addition will have a proposed footprint of approximately 29m² with an approximate height of 7.23 m (matching existing height of the home). The applicant is seeking relief from Section 3.27 of the Zoning By-law which prohibits the expansion of a legally existing non-conforming use and/or building. The applicant is seeking to

expand the existing legal non-conforming use in order to permit the residential addition in the Residential 3 Exception (R3-1) Zone. The R3-1 Zone does not permit a single detached dwelling as a principal use.

SURROUNDING LANDS:

North	Wellington St and single-detached dwellings
East	Retail Commercial
South	Single-detached dwelling
West	George St and single-detached dwellings

ANALYSIS:

Site Inspection Date	September 4, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Cookstown. The subject lands are designated Downtown Commercial Area on Schedule B2 of the Official Plan. The Downtown Commercial Area designation does not prohibit single-detached dwellings and accessory structures that pre-existed the current Official Plan designation as they are legal non-conforming. Section 22.13.2 of the Official Plan states that <i>“nothing in this Plan shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council”</i>. In addition, Section 22.13.4 permits the limited expansion to a legal non-conforming use while considering the need for the expansion of the use, the size of the expansion, compatibility with the surrounding neighbourhood, traffic and parking impacts and adequacy of municipal services.</p> <p>The proposal is considered compatible with the residential design policies of the Official Plan. Section 10.1.40 of the Official Plan requires that building height, mass and architectural features of infill development and intensification fit into the context of the local character. Surrounding properties include various detached single-family dwellings. The proposed works will not affect the use on the subject lands which will continue to fit in wit the context of the neighborhood. A heritage permit is required as a condition of this application, in accordance with the culture and heritage policies of the Official Plan (Section 4.2), as the subject lands are part of the Cookstown Heritage Conservation District (HCD).</p> <p>Staff have no objections to a proposed addition on the subject lands which in general meets the 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 lands are zoned Residential 3 Exception (R3-1) Zone in the Town’s Zoning By-law 080-13. The R3-1 zone permits duplex dwellings and accessory uses only. It does not permit the existing single detached dwelling and associated accessory structures as the principal use. However, the current use was in place prior to the day of passing of By-law 080-13 which renders the dwelling as a legally existing, non-conforming use.</p> <p>As stated, the current R3-1 zoning does not permit single-detached</p>

	<p>dwelling, however the existing single-detached use is considered a legal non-conforming use . The existing single detached dwelling can accommodate the proposed addition with a minimal footprint increase, while providing adequate parking. The subject property also fits with the character of surrounding properties which have residential uses.</p> <p>The existing dwelling and proposed addition do meet all provisions of the R3-1 zone (including setbacks and lot coverage) aside from the use.</p> <p>Considering the above, staff are in support of the proposed addition as it meets the general intent of the Zoning By-law. All other provisions of the Zoning By-law are met.</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 applicant is proposing to construct two-storey addition to an existing single-family dwelling, as well as a front porch which is not considered to be out of character with the surrounding neighborhood.</p> <p>Aside from the use, 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 addition as reasonable development given these matters.</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 variance could be considered minor, subject to the proposed conditions, due to the existing use, and proposed scale and location of the structure which will have limited impacts to neighboring properties, and the proposed development meeting all other provisions of the Zoning By-law. As stated, a heritage permit is required, and has already been applied for by the applicant. The heritage application has also already been reviewed by the Heritage Advisory Committee and they are satisfied with the proposal subject to minor adjustments to windows and doors. These minor adjustments would not require any additional variances, therefore Staff are satisfied this application can be conditionally approved at this time.</p>

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 13, 2024

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

FILE/APPLICATION: A-034-2024

SUBJECT: 1B George 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. 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. No comments.



Engineering

MEMORANDUM TO FILE

DATE: September 9, 2024

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: A-029-2024

SUBJECT: 1870 Big Bay Point Road

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. No comment.

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 comment.