

# **Summary of Comments**

A-041-2024 – 14 Cloverhill Crescent



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-041-2024  
**MEETING DATE:** October 17, 2024  
**TO:** Toomaj Haghshenas, Secretary-Treasurer Committee of Adjustment  
**FROM:** Stephen A. Marano, Assistant Development Planner  
**SUBJECT:** Minor variance application A-041-2024 seeking relief from Section 3.5 j) of Zoning By-Law 080-13 that limits the area of an accessory dwelling unit to 50m<sup>2</sup>

### PROPERTY INFORMATION:

<b>Municipal Address</b>	14 Cloverhill Cres
<b>Legal Description</b>	PLAN M94 LOT 30
<b>Official Plan</b>	Residential Low-Density 1 (Schedule B2)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends deferral of Application A-041-2024 until the following is provided:

1. That the applicant provide architectural drawings of the proposed accessory dwelling unit showing the height and proposed window, door and balcony locations to evaluate any off-site impacts, and conforming the ADU is shorter than the dwelling height as required by 3.5 g) of the Zoning By-law

Alternatively, if the Committee of Adjustment approves Application A-041-2024, Staff recommend the following condition:

### CONDITION:

1. That the existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. 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, and the location of new trees and tree protection measures during the construction of the accessory structure

### REASON FOR APPLICATION:

The applicant is proposing to build an accessory dwelling unit/garden suite in the rear yard of 14 Cloverhill Crescent and requests a variance to increase its maximum size over 50m<sup>2</sup>. The applicant argues that the maximum size is insufficient to accommodate someone with accessibility issues.

Section 3.5 n) of the Zoning-Bylaw prohibits any accessory dwelling unit/garden suite on a lot within the Cookstown Settlement Area unless there is sufficient servicing, subject to the determination of the Town. The lot does have full municipal water and sewage service, and Council approved the applicant's request to build a garden suite at the council meeting on September 11, 2024.

Application Number	By-law Section	Requirement	Proposed	Difference
A-041-2024	3.5 j)	The maximum footprint for a garden suite is 50m <sup>2</sup>	84.52m <sup>2</sup>	34.52m <sup>2</sup>

**SURROUNDING LANDS:**

<b>North</b>	15 Kidd's Lane (Residential Low-Density 1)
<b>East</b>	16 Cloverhill Cres (Residential Low Density 1)
<b>South</b>	15 Cloverhill Cres (Residential Low Density 1)
<b>West</b>	12 Cloverhill Cres (Residential Low-Density 1)

**ANALYSIS:**

<b>Site Inspection Date</b>	October 1, 2024
<b>Maintains the purpose and intent of the Official Plan:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated "Residential Low-Density I" on Schedule B2 to the Town Official Plan which permits single-detached dwellings and accessory dwelling units. The surrounding neighbourhood is characterized primarily by single detached dwellings.</p> <p>Section 10.2.1 of the Official Plan states the purpose of the Residential Low-Density Areas I area is to maintain the low-density character of neighbourhoods in the Primary and Urban Settlement Areas, and in the Cookstown Village Settlement area. 14 Cloverhill Crescent is in the Cookstown Settlement Area. Permitted uses include accessory second dwelling units (Section 10.2.2). The Official Plan requires that infill development and intensification like this application must respect the local character of the settlement area where it is located (Section 10.1.40.)</p> <p>Staff visited the site and noted that the area is a low-density suburban one, with one fully detached dwelling unit per lot. It is also not a heavily forested area, which would make the elevation of the proposed garden suite important.</p> <p>Staff are of the opinion the applicant should provide detailed elevation drawings prior to approval to ensure that the Official Plan policies are met and ensure infill compatibility.</p>
<b>Maintains the purpose and intent of the Zoning By-law</b> <input type="checkbox"/> Yes	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13. The purpose of the Residential 1 (R1) Zone is to maintain the low-density character of the neighbourhood.</p>

<input type="checkbox"/> <b>No</b>	<p>Under Section 3.19 of the Zoning By-law, Garden Suites are subject to the same provisions as Accessory Secondary Dwelling Units in Section 3.5. So, aspects such as height, and floor area that are required for Accessory Secondary Dwelling Units apply to Garden Suites. Accessory Secondary Dwelling Units are permitted in an R1 zone, so by that extension, Garden Suites are allowed.</p> <p>Staff calculated the footprint of the proposed garden suite to be 84.52m<sup>2</sup>, and the area of the rear yard to be to be 1,227.96m<sup>2</sup>. Additionally, the applicant only listed the height of the proposed garden suite/ADU to be under six metres, whereas Section 3.5 g) states it shall not exceed the height of the dwelling or 6m, whichever is less. Staff require a calculation of the height of the house and ADU to determine this. Also, there could be a window facing the neighbour’s yard to the west, in which there are little to no trees. Staff request architectural drawings that detail the elevation of the proposed secondary suite.</p> <p>Staff at the site visit noted how large the rear yard was. With the garden suite, the rear yard would maintain the necessary 25% of landscaped open space (as required by Section 3.5 j) of the Zoning By-law. The applicant mentioned he would keep one of the garden sheds and remove the other. Staff calculated the garden shed that the applicant will keep as being 20.55m<sup>2</sup>. Both this garden shed and the proposed garden suite, would not be over the maximum 50% area of the rear yard (as also mandated by Section 3.5 j) of the Zoning By-law.</p> <p>Staff recommend deferral until the detailed elevations are provided and confirmation of height.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>14 Cloverhill Crescent is in the southern part of the settlement area of Cookstown. The neighbourhood is a low-density residential area.</p> <p>The Town strives to increase the number of housing units within its boundary to contribute to the Province’s goal of building 1.5 million units by 2030. Therefore, the Town looks at applications to create accessory secondary units with interest. This application helps the Town meet its housing goals, subject to meeting other relevant existing Town policies and regulations, including land use and built-form compatibility.</p> <p>That stated Staff have concerns with the variance. The applicant did not provide any architectural drawings of the garden suite/ADU. There could be a window facing the west side yard, which has neither trees nor hedges.. Furthermore, trees are encroaching on the rear yard line. They would be affected during the construction of the garden suite. Staff normally require a tree preservation plan, even more so as there are few trees in the area.</p> <p>Staff request deferral until architectural elevations and height details are provided.</p>
<p><b>The variance is minor in nature:</b></p>	<p>While the garden suite/ADU will have a small footprint in the rear yard, no elevations have been provided. As there are no trees nor hedges</p>

<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	along the west side yard line, there could be a privacy impact on the next-door neighbour. Furthermore, as stated, building the proposed garden shed would affect the trees near the rear lot line. As there are few trees in the area, Staff would like to review a tree protection plan to ensure that they are protected as a condition. Staff at this time request deferral however until elevations and height is provided, as stated.
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**CONCLUSION:**

The Planning Department recommends deferral of application A-041-2024, subject to the above conditions.

**PREPARED BY:**

Stephen A. Marano  
Assistant Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** October 10, 2024

**FROM/CONTACT:** Jocelyn Penfold ex 3506 [jpenfold@innisfil.ca](mailto:jpenfold@innisfil.ca)

**FILE/APPLICATION:** A-041-2024

**SUBJECT:** 14 Cloverhill Crescent

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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. All structures over 50m<sup>2</sup> 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.



Engineering

MEMORANDUM TO FILE

**DATE: October 11, 2024**

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

**FILE/APPLICATION: A-040-2024**

**SUBJECT: 14 Cloverhill Crescent**

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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. 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.

# Public Comments

## A-041-2024 – 14 Cloverhill Crescent

### Comment #1:

As we can't make the meeting we would like to express our opinion regarding this variance to build a ADU in there backyard. We have been residents in Cookstown for 36 yrs we moved here as it was a quiet small town to raise our family. We also liked the fact the we have half an acre to be spread out from everyone else. We also live on Cloverhill Cresnet not far from this home that wants to build another home in there backyard, we hope this does not get passed as we don't want to be looking at another home in a backyard and this is only one of our concerns with this. What happens down the road when the mother is no longer able to live on her own, then what becomes of this house.

Our thoughts are that they will end up renting it out which concerns us. It makes much more sense to add an addition on the house then to build another house in there backyard. We think by allowing this ADU to pass your only setting a precedence for other people to do the same. I hope you will consider everyone's opinion regarding this issue. We would appreciate the being told the outcome of this decision on this.

### Comment #2:

I am writing to express my concerns regarding the application for an accessory dwelling unit (nanny flat) at 14 Cloverhill Crescent, which will be discussed during the public meeting on October 17, 2024. I understand the applicant is proposing to construct a dwelling unit with a footprint greater than 50 square meters. Previously, I was informed by the Town of Innisfil that accessory dwelling units were not permitted in Cookstown due to limitations related to sewage capacity. Given this information, I am concerned about the inconsistency in policies regarding similar applications. Specifically, I would appreciate clarification on the following points: 1. Sewage Capacity: Has the sewage infrastructure in



Cookstown been improved or reassessed to accommodate additional dwelling units? If not, why is this application being considered when similar requests were denied based on sewage limitations? 2. Fairness and Transparency: As a resident, I value fairness in the application of municipal bylaws. Could you please explain whether there have been recent amendments to the regulations or exceptions granted that now allow accessory dwelling units in this area? 3. Environmental Impact: I would like to understand the potential impact

**Comment #3:**

It has been brought to our attention, via the recent news article on InnisfilToday.ca, dated September 14, 2024, that the development of an Accessory Dwelling Unit (ADU) has been approved by Town Council in Cookstown. Since, we have received a written letter from the Town, dated October 1, 2024, regarding the notice of Public Hearing for Mr. Derek and Ms. Laurie Parker's application for a minor variance from Zoning By-law 080-13, specifically their proposal to construct an ADU at 14 Cloverhill Crescent with an approximate footprint of 84.7m<sup>2</sup>. We are seriously opposed to the development of the proposed ADU, for a host of reasons. We believe that the construction of an ADU at 14 Cloverhill Crescent, which is in essence an additional home, obstructs, interrupts or interferes with the lawful use, enjoyment or operation of properties owned by the residents of Cloverhill Crescent and Kidd's Lane, including our own. When we purchased our home, we purchased it for the lot – a large, private, safe, green space hosting some of Cookstown's oldest trees, that we felt would be perfect to raise our growing family on. Beyond the lot, we quickly came to appreciate kind neighbours who demonstrated pride in their own home ownership, using and well-maintaining their properties in a stewardly manner. It 'ticked all the boxes' in regard to what we had only hoped for starting our family. We feel the construction of an ADU would directly affect the privacy of our home, and by extension, our family. The proposed ADU would be seen directly, without obstruction, from our backyard, as well as from our kitchen, dining room, bathrooms, master bedroom, office, laundry room, and basement windows. Further, the sheer size of that which is being proposed, i.e. the substantial 911ft<sup>2</sup> footprint – near the size of the primary dwelling – compounded by the already higher lot elevation, means that the ADU could be quite the unsightly building, that does not blend with the surrounding geography, and disrupts the area's established character. We do also wonder what the long-term plan is for the residence after it has served its initial purpose? We fear that it would be unappealing to potential homebuyers of our own property, thereby depreciating our property value.