

# **Summary of Comments**

A-041-2024 – 14 Cloverhill Crescent



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-041-2024  
**MEETING DATE:** November 21, 2024  
**TO:** Toomaj Haghshenas, Secretary-Treasurer Committee of Adjustment  
**FROM:** Toomaj Haghshenas, Development Planner  
**SUBJECT:** Minor variance application A-041-2024 seeking relief from Section 3.5(j) of Zoning By-Law 080-13 for an increase to the maximum permitted Gross Floor Area (GFA) of an Accessory Dwelling Unit (ADU) located in the rear yard.

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### 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 approval of A-041-2024, subject to the following conditions:

1. That the variance apply exclusively to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
2. 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.
3. That vegetative screening be planted along the west lot line where the ADU is to be located to provide additional screening from the property to the west

### REASON FOR APPLICATION:

The applicant is proposing to construct an Accessory Dwelling Unit (ADU) in the rear yard of the subject property. The proposed ADU will have an approximate footprint of 84.52m<sup>2</sup>. The applicant is seeking relief from Section 3.5(j) of the Zoning By-law which permits a maximum building footprint of 50m<sup>2</sup> for detached ADUs located in the rear yard.

Application Number	By-law Section	Requirement	Proposed	Difference
A-041-2024	3.5 j)	50m <sup>2</sup> max. footprint if located in the rear yard	84.52m <sup>2</sup>	+ 34.52m <sup>2</sup>

**SURROUNDING LANDS:**

<b>North</b>	Single-detached dwellings
<b>East</b>	Single-detached dwellings
<b>South</b>	Cloverhill Crescent and Single-detached dwellings
<b>West</b>	Single-detached dwellings

**ANALYSIS:**

<b>Site Inspection Date</b>	November 7, 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 within the settlement area of Cookstown. The subject lands are designated Residential Low-Density 1 in schedule B2 of the Official Plan. The surrounding neighbourhood is characterized primarily by single detached dwellings.</p> <p>The Residential Low Density 1 designation permits single detached dwellings and accessory structures including accessory dwelling units (ADUs). Section 14.3 of the Official Plan includes policies that promote development that provides affordable and accessible housing which includes ADUs. The proposed ADU would provide an opportunity for a more affordable housing option and increase the housing diversity within the Town which in general is consistent with the purpose and intent of the Town’s Official Plan.</p> <p>Section 10.2.1 of the Official Plan states the purpose of the Residential Low-Density area designation is to maintain the low-density character of neighbourhoods in the Primary and Urban Settlement Areas, and in the Cookstown Village Settlement area. Staff note that permitted uses explicitly include accessory second dwelling units (Section 10.2.2 ii)).</p> <p>Staff have no objections to a proposed ADU on the subject lands which in general meets the purpose and intent of the Official Plan.</p>
<b>Maintains the purpose and intent of the Zoning By-law</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>The applicant is seeking relief from Section 3.5 j) to permit an ADU structure with a footprint of 84.52m<sup>2</sup> (including the attached porch) to be located in the rear yard. Section 3.5 j) of the By-law permits a maximum building footprint of 50m<sup>2</sup> for an ADU in a rear yard. The purpose of this provision is to limit the visual bulk and massing of</p>

	<p>structures on the lot while providing for substantial rear yard amenity space. As a general principle of built form hierarchy, the principal structure on the lot (principal dwelling) should be the predominant structure in terms of size, height and scale. Staff have no concerns with the application meeting the intent of this provision given the footprint of the ADU relative to the size of the rear yard, and size and height compared with the dwelling.</p> <p>Section 3.5(n) of the Zoning By-law states that “Any accessory dwelling unit shall not be permitted on a lot within the Cookstown Settlement Area until sufficient servicing capacity is available, subject to the determination of the Town.” The applicant has obtained allocation through council for the proposed ADU; as such, this provision of the By-law has been met.</p> <p>Staff have no objections to the proposed footprint which in general meets the purpose and intent of the Official Plan.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The applicant is proposing to construct an Accessory Dwelling Unit (ADU) which will provide for affordable housing on the subject lands. The proposed ADU will also provide an accessible dwelling unit for an elderly resident.</p> <p>The proposed ADU height is lower than the height of the principal building; and no windows are to be installed on the north side (rear) of the structure which alleviates privacy concerns from the neighbouring lands to the north. Additional planting is requested as a condition for a visual screen from the neighbouring lands to the west.</p> <p>Staff are of the opinion that the proposal would be considered desirable for the appropriate and orderly development and use of the land.</p>
<p><b>The variance is minor in nature:</b>  <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.</p>

**CONCLUSION:**

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

**PREPARED BY:**

Toomaj Haghshenas  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** November 13, 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)

No comments.



Engineering

MEMORANDUM TO FILE

**DATE: November 15, 2024**

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



Public Comment#4:

As a close neighbor to this proposed project I feel that the size of dwelling is too large for a lot of that size. We were never given the heads up by our neighbor so to hear that the building in plan is 900 sq ft is alarming. This building will also set the precedent that other people living/buying in Cookstown will be able to set up large rentals in their back yard. We relocated from Barrie to Cookstown in 2020 with the goal of moving to a small town with large lots and space between neighbors. If its truly for a nanny suite, there are options to build an addition off of the back of the garage instead of constructing a dwelling in the middle of the backyard. Opposed.

Public Comment#5:

1. Let's begin with the initial approval of the ADU. No notice was given to neighbours prior to approval even though ADUs are not allowed in Cookstown. The only reason we have been made aware is due to the variance application.
2. Consequently, this application should never have happened. These units are simply not permissible in Cookstown due to a lack of sewer capacity. The applicant apparently went ahead and spent \$20-30k based on incorrect data. Unfortunate. Some points:
  1. The application should have been denied in its entirety, not just the variance. This is precedent setting and opens the town up to all sorts of challenges. Any incorrect information that the town or an employee may provide from time to time becomes problematic.
  2. Should the infrastructure change, the application could be re-instated.
3. The variance is not minor in my view. Increasing from 50 to 84.7 sq m is a 70% increase. I'm not sure if there is a definition of minor however this seems to stretch any definition. Let's be clear what that means. My house is 1,800 sq ft. on two floors excluding the garage. That's 167 sq m. This means a structure with the footprint of a full sized home. This is certainly against the intent of ADUs
4. The reason for the application is apparently to house an aging parent. She is confined to a wheel chair. Accessibility to the ADU, especially in winter will be difficult. However the application includes a 2 bedroom design. There is obviously an ulterior motive.
5. The increased area and bedrooms increases the number of people that can be housed. This can only have negative consequences for neighbours. These houses and lots in this neighbourhood provide space and privacy. It's why people purchased them. The longer term concern is if the house changes hands or if the parent has to move to a care facility and it becomes a rental where someone wishes to maximize revenue.
6. ADUs do not have to be separate buildings. An addition to the home would be cost effective and allowed under existing by-laws. A separate entrance would allow independence. Furthermore, access for a disabled person would be far easier. It would also deal with the drainage issue outline below.

7. The neighbour directly behind the property has filled in the swale at the back of his property. He has buried a pipe from the uphill property so there is no absorption as water passes through the pipe which empties into the downhill (west side) property. He has also tied his rain down spouts on the west side of the house by use of solid pipe (not drainage tile) into the pipe that is buried in the former swale. The town should never have allowed this change to the original drainage plan and certainly not the tie in of the down spouts. The result is a significant increase in water that must be absorbed by the downhill swale. During heavy rain and spring run off conditions this causes temporary flooding and saturation to both down hill lots. By adding an 84.7 sq m (larger when you consider the roof coverage) there will be further water concentration that can only go into the swale on the down hill property. Please see the attached pics of the area in question. I will attempt to send a separate video of water flowing since it is too large to include here.