

Summary of Comments

A-012, A-013 & A-015-2022 - 4630

Highway 89



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-012-2022, A-013-2022 & A-015-2022

MEETING DATE: April 21, 2022

TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment

FROM: Vanessa Witt, MCIP, RPP
Senior Planner

SUBJECT: Minor variance applications A-012-2022, A-013-2022 & A-015-2022 seeking relief from Table 8.1 of the Zoning By-Law to reduce the required interior side yard setbacks from 10m to 8.46m in support of a new single detached dwelling and accessory building and relief from Section 3.27(a) for an expansion to the gross floor area for a new dwelling as a legal non-conforming use by 303m².

PROPERTY INFORMATION:

Municipal Address	4630 Highway 89
Legal Description	Concession 10 Part Lot 1, 51R13943 Part 1
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Agricultural General (AG) Zone

RECOMMENDATION:

The Planning Department recommends approval of applications A-012-2022, A-013-2022 & A-015-2022, 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 the Zoning By-law.
- 2.) That the existing mature 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, location of new trees and vegetation along the eastern interior side lot line, and tree protection measures during construction of the dwelling.

REASON FOR APPLICATIONS:

The applicant is proposing to demolish an existing barn and shed in support of the construction of a single detached dwelling with an eastern interior side yard setback of 8.46m, and a new accessory structure with a western interior side yard setback of 8.46m. The applicant is seeking relief from Table 8.2 of the Zoning By-law which requires both interior side yard setbacks to be a minimum of 10m and is seeking an expansion to the gross floor area for the reconstruction of a legal non-conforming use (dwelling) under Section 3.27(a).

Application Number	By-law Section	Requirement	Proposed	Difference
A-012-2022	Table 8.2	10m	8.46m	1.54m
A-013-2022	Table 8.2	10m	8.46m	1.54m
A-015-2022	3.27(a)	No expansion to GFA for the reconstruction of a legal non-conforming use	Increase in GFA for the reconstruction of a legal non-conforming use by 303m ²	303m ²

SURROUNDING LANDS:

North	Agricultural lands
East	Rural residential dwellings
South	Highway 89, agricultural lands
West	Agricultural lands

ANALYSIS:

Site Inspection Date	March 8, 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 only permits one single detached residence as an accessory use to an existing farm operation. It does not appear agricultural uses have existed on the property for some time and the application proposes to demolish the existing barn. However, it does not appear another use has been established on the property. As such, the applicant has applied for application A-015-2022 for an expansion to the gross floor area (GFA) of 303m² for the reconstruction of a legal non-conforming use (dwelling) on the subject property. Section 18.3.5 notes the minimum farm size shall be 40 hectares. Accordingly, the property is an extremely undersized Agricultural parcel being approximately 8,100 m² (0.81 ha) and appears it has more recently functioned as a Rural Residential property rather than active agricultural lands, which has reduced setback requirements in the implementing Town Comprehensive Zoning By-law.</p> <p>Given the above, Staff are of the opinion the applications maintain the purpose and intent of the Official Plan.</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 Agricultural General (AG) in the Town's Zoning By-law 080-13, which only permits a single detached dwelling as an accessory use to a permitted use. Permitted uses noted in Table 8.1 include agricultural use, riding and racing stable, or existing nursery, none of which appear to exist on the property.</p> <p>Pursuant to Section 3.27(a), the provisions of the Zoning By-law shall not apply to prevent the use of any lot, building or structure for any purpose not permitted by the By-law, so long as it continues to be used for that purpose and provided the repair or renovation does not further increase the building's gross floor area. Through Town building permit files, it appears the existing dwelling was demolished in 2018. However, since the legal non-conforming residential use appears to</p>

	<p>have remained continuous (i.e., has not changed to another use), the applicant has applied for an expansion to the gross floor area of a legal non-conforming use. Since it appears the proposed dwelling is larger than the previously existing dwelling, the application requests an expansion of 303 m² to the gross floor area.</p> <p>The applications also propose a reduction for the eastern interior side yard setback for the proposed dwelling from 10m to 8.46m, and a reduction for the western interior side yard setback for the proposed accessory structure from 10m to 8.46m.</p> <p>The requested setback for the dwelling is to provide adequate distance to the existing guy wire that runs through the middle of the property. The purpose of the minimum interior side yard setback is to minimize visual bulk and massing of buildings on the property. The submitted drawings indicate the proposed dwelling is a bungalow which complies with all other zone provisions, which will reduce massing concerns. The proposed setback of 8.46m will not negatively impact neighbouring rural residential properties to the east of the subject property. Staff note the minimum required interior side setback for the adjacent Residential Rural (RR) Zone properties is 3m. Although the subject property is zoned Agricultural General (AG) Zone, it is an undersized agricultural lot that has most recently been used for residential purposes rather than agricultural purposes. Additionally, there are a few existing mature trees along the eastern lot line. As a condition of approval, Staff have requested the mature trees along the eastern lot line be preserved during construction and the applicant provide additional plantings as a vegetative buffer for dwellings to the east.</p> <p>The requested 8.46m setback for the accessory building will not have negative visual impacts on the property to the west or north since the adjacent property is used for agricultural purposes with no dwelling in proximity to the proposed structure. Additionally, the proposed setback is much closer to compliance than the existing setbacks for the garage and barn which are proposed to be demolished and replaced with one accessory building.</p> <p>Considering the above, Staff have no concerns with the proposed variances to reduce the interior side yard setbacks for the dwelling or accessory building and have no concerns with the expansion of GFA for the reconstruction of the dwelling as a legal non-conforming use.</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 seeks to construct a single detached dwelling and accessory building on the subject property. Staff note the property is an undersized agricultural lot and agricultural uses have not existed for some time. Given the context of the site, the request to substantially increase the existing western interior side yard setback and considering the guy wire that runs through the middle of the property, Staff consider the variances desirable and appropriate for the use of the land. Further, should the proposed dwelling have been the same GFA as the previous dwelling, the development would have been permitted as of right under Section 3.27(a) of the Zoning By-law for the</p>

	<p>reconstruction of a legal non-conforming use. The applicant only requires the variance in support of expanding the GFA of the dwelling.</p> <p>Considering the above, Staff are of the opinion the variances are desirable for the development of the land.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The variances are considered minor in nature, both arithmetically for the requested setbacks (15.4%) and in relation to impacts to neighbouring properties. The proposed bungalow and preservation of existing mature trees will ensure visual impacts and massing are reduced. The accessory building proposes an increase to the existing interior side yard and rear yard setbacks. The proposed development complies with all other zoning provisions including lot coverage, height, and other setbacks.</p>

PREPARED BY:

Vanessa Witt, MCIP, RPP
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: April 14, 2022

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

FILE/APPLICATION: A-012, 013, 015-2022

SUBJECT: 4630 Highway 89

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. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of 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)