

Summary of Comments
A-002-2024 –
1008 Westminister Street



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-002-2024 & A-003-2024
MEETING DATE: March 21, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance applications A-002-2024 and A-003-2024 seeking relief from Sections 3.5(g) and 3.5(j) for an increase to the maximum permitted height of an accessory dwelling unit, an increase to the maximum permitted footprint of an accessory dwelling unit located in the rear yard, and a reduced side lot line setback for a detached accessory dwelling unit.

PROPERTY INFORMATION:

Municipal Address	1008 Westminister Street
Legal Description	PLAN 1378 LOT 7
Official Plan	Residential Low Density 1
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends deferral of A-002-2024 and A-003-2024, subject to the following requirements:

- a) That revised elevations are provided that reduce the 7.01 m height of the proposed ADU through a redesign of the proposed roof.
- b) That revised elevations are provided showing no windows on the west facing wall of the Accessory Dwelling Unit

Alternatively, if the Committee of Adjustment approves A-002-2024 and A-003-2024, the Planning Department recommends the following conditions be included as conditions of approval:

- 1.) That no windows be installed on west facing wall of the proposed Accessory Dwelling Unit (ADU).
- 2.) That a Building Permit is obtained for the proposed second storey addition to the existing principal dwelling prior to, or at the same time, as the Building Permit for the proposed ADU

Application Number	By-law Section	Requirements	Proposed	Difference
A-002-2024	3.5 g)	Max 6m height or height of principal dwelling, whichever is less	7.01m	+1.01m
A-003-2024	3.5 j)	- 50m ² max. footprint if located in the rear yard	93.74m ²	+43.74m ²
		- 1.2m minimum setback form the side lot line	1.06m setback	-0.14m

REASON FOR APPLICATION:

The applicant is proposing to construct a second storey accessory dwelling unit (ADU) addition to an existing one storey detached garage. The ADU will have a proposed Gross Floor area (GFA) of 93.74m² and a proposed height of 7.01m. The applicant is seeking relief from Section 3.5 g) of the Zoning By-law which states that the maximum height for a detached accessory dwelling unit shall not exceed the height of the principal dwelling or 6m, whichever is lesser. In addition, relief is requested for Section 3.5 j) which permits a maximum building footprint of 50m² for detached ADUs located in the rear yard; as well as minimum setback of 1.2 m from the rear and side lot line for detached ADUs located the rear yard.

SURROUNDING LANDS:

North	Retirement Residence
East	Single-detached dwelling
South	Westminister Street and Single-detached dwellings
West	Single-detached dwelling and vacant lot

ANALYSIS:

Site Inspection Date	March 1, 2024
Maintains the purpose and intent of the Official Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Alcona. The subject lands are designated Residential Low Density 1 in the Official Plan. 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 19.2.10 of the Official Plan states that development shall be undertaken in conformity with the residential design policies of Section 10.1. 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 a mix of single and two-storey single family</p>

	<p>dwellings. The property backs onto a multi-storey retirement residence located directly to the north.</p> <p>Staff have no objections to a proposed ADU on the subject lands, however there are concerns with the proposed height of 7.01 m. The required variance is inconsistent with similar approved height variances for ADUs. Staff are of the opinion that a 7.01 m height is excessive and best efforts need to be made to reduce the height of the proposed structure through alternative roof designs, similar to concessions made in previous application involving variances to section 3.5 j) of the Zoning By-law. Thus, deferral is recommended. Alternatively if the Committee of Adjustment supports the proposal, Staff recommend a condition that requires a Building Permit to be obtained for the principal dwelling at the same time as, or prior to, the ADU permit. 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, as reflected in the zoning regulations which require ADUs to be 6m or the height of the principal dwelling, whichever is the lesser.</p> <p>Staff have no objections to the proposed footprint and reduced side yard setback which in general meets the purpose and intent of the Official Plan.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential 1 (R1) in the Town's Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>Section 3.5 g) of the Town's Zoning By-law states that the maximum height for a detached ADU shall not exceed the height of the principal dwelling or 6m, whichever is less. The principal dwelling is proposed to have a height over 6m through a second storey addition, therefore the 6m maximum height would apply (if a permit is granted for the addition). The ADU is proposed to have a height of 7.01 m, which is 1.01m over the permitted maximum height. The purpose of this provision is to ensure the ADU is accessory to the principal dwelling in terms of size, height and scale, and to reduce visual bulk and massing of structures on a property; as well a reduce privacy concerns with neighboring properties. Staff are of the opinion that a redesign of the proposed roof will result in a reduced overall height. As such, staff recommend deferral until best efforts are made to reduce the ADU height.</p> <p>In addition, the applicant is seeking relief from Section 3.5 j) to permit an ADU structure with a footprint of 93.74m² to be located in the rear yard with a side lot line setback of 1.06m. Section 3.5 j) of the By-law permits a maximum building footprint of 50m² for an ADU in a rear yard; and also requires a minimum setback of 1.2 m from the side lot line. The purpose of this provision is to ensure appropriate privacy is provided to neighboring properties, as well as limiting the visual bulk and massing of structures on the lot while providing for substantial rear yard amenity space. Staff have no concerns with the application meeting the intent of this provision in terms of footprint, but do request</p>

	<p>that no windows be installed on the west wall of the ADU to address privacy concerns caused by the close proximity of the structure to the neighboring lot directly to the West of the subject lands.</p> <p>Staff would be satisfied that the proposed variances meet the purpose and intent of the Zoning By-law subject to best efforts in reducing the structure’s height through alternative roof designs. Deferral is recommended so Planning Staff can reach a compromise with the applicant to reduce the proposed ADU height. Alternatively if the Committee of Adjustment supports the proposal, Staff recommend a condition that requires a Building Permit to be obtained for the principal dwelling at the same time as, or prior to, the ADU permit. 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, as reflected in the zoning regulations which require ADUs to be 6m or the height of the principal dwelling, whichever is the lesser.</p> <p>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 type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The applicant is proposing to construct a second storey accessory dwelling unit (ADU) addition to an existing one storey detached garage which will provide for affordable housing on the subject lands.</p> <p>Staff are recommending deferral so that best efforts can be made to reduce the height of the ADU. Subject to the height being reduced, and subject to removal of the proposed window located on the west wall of the ADU, 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>The variance is minor in nature: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion both variances could be considered minor, subject to a reduction in proposed height, through a redesign of the roof, and the proposed development meeting all other provisions of the Zoning By-law.</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: March 3, 2024

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

FILE/APPLICATION: A-002 & 003-2024

SUBJECT: 1008 Westminister

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. The applicant/owner shall provide a site plan with proposed building and septic footprint that meets all Ontario Building Code please include all setbacks to all structures existing and proposed to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: March 15, 2024

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

FILE/APPLICATION: A-002 and A-003-2024

SUBJECT: 1008 Westminister Street

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 conditions of approval.

MEMORANDUM TO FILE

DATE: March 6, 2024

FROM/CONTACT: Milan Boldin, milanb@innpower.ca

FILE/APPLICATION: A-002 and A-003-2024

SUBJECT: 1008 WESTMINSTER STREET

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):

CUSTOMER IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ADDITIONAL HYDRO SERVICE UPGRADES TO CURRENT SERVICE OR A NEW ADDITIONAL SERVICE TO PROPERTY

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)

