

Summary of Comments

A-075-2023 – 2785 Ireton Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-075-2023

MEETING DATE: December 14, 2023

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Keirsten Morris, Senior Planner

SUBJECT: Minor variance application seeking relief from Section 3.5 b) of the Zoning by-law to permit an increased gross floor area of the accessory dwelling unit to 120.31m²

PROPERTY INFORMATION:

Municipal Address	2785 Ireton Street
Legal Description	Plan 988 Lot 10
Official Plan	Shoreline Residential Area (Schedule B14)
Zoning By-law	Residential One (R1)

RECOMMENDATION:

The Planning Department recommends approval of Minor Variance application A-075-2023 requesting relief from Section 3.5 b) of the Town's Zoning By-law 080-13 subject to the following conditions:

- a) That the variance only apply to the submitted drawings and that any future development of the lands complies with the Zoning By-law
- b) That supportive comments are provided from the LSRCA and any requirements of the LSRCA are implemented to their satisfaction regarding the Hazard Land Overlay and their regulated lands

REASON FOR APPLICATIONS:

The applicant is proposing to legalize an existing accessory dwelling unit with a gross floor area of 120.31m² which is more than 50% of gross floor area of the main dwelling. The applicant is seeking relief from Section 3.5 b) of the Zoning By-law which states that an accessory dwelling unit shall not be greater than 50% of the gross floor area of the principal dwelling on the lot, up to a maximum gross floor area of 100m².

Application Number	By-law Provision	Requirement	Proposed	Difference
A-075-2023	3.5 b) Any accessory dwelling unit shall not be greater than 50% of the gross floor area of the principal dwelling on the lot, up to a maximum of 100m ² . When accessory dwelling units are constructed within the existing principal residential structure on the lot, each accessory dwelling unit shall be less than the gross floor area of the principal dwelling unit.	76.74m ² (50 % of main dwelling)	120.31m ² (78% of main dwelling)	43.57m ² (28%)

SURROUNDING LANDS:

North	2791 Ireton Street – single detached dwelling & accessory structures
East	2778 Purvis Street – single detached dwelling and accessory structures
South	2777 Ireton Street – single detached dwelling & accessory structures
West	Ireton Street, 2780 Ireton Street – single detached dwelling and unopened municipal road allowance (Glen Cedar Crescent)

ANALYSIS:

Site Inspection Date	December 6, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Shoreline Residential Area on Schedule B14 of the Town of Innisfil Official Plan. The Shoreline Residential Area designation permits single detached dwellings and accessory second dwelling units (ADUs). Section 14.3 of the Official Plan includes policies that promote and encourage developments that provide affordable and accessible housing including a mix of dwelling unit types, density, tenure and unit size. This specifically 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 goals of Section 14.3 of the Town’s Official Plan.</p> <p>The subject lands are identified as being within the Hazard Land Areas overlay designation. Section 20.3 of the Official Plan states that accessory dwelling units shall not be permitted in existing dwellings in a Hazard Land Area overlay unless the applicable conservation authority confirms the property is not hazardous land. Staff have recommended a condition that confirmation be provided from the Lake Simcoe Region Conservation Authority that they are supportive of the proposal and any requirements of the LSRCA be implemented to their satisfaction.</p> <p>Subject to the conservation authority being satisfied, Staff are of the opinion the application meets the purpose and intent of the Official Plan.</p>

<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential One (R1) by the Town's Zoning By-law 080-13. The R1 zone permits single detached dwellings and accessory uses included accessory dwelling units (ADUs).</p> <p>Section 3.5 b) of the Town's Zoning By-law requires a gross floor area maximum for accessory dwelling units of 50% of the gross floor area of the main dwelling up to a maximum of 100m². 3.5 b) also states that "when accessory dwelling units are constructed within the existing principal residential structure on the lot, each accessory dwelling unit shall be less than the gross floor area of the principal dwelling unit". The gross floor area of the main dwelling unit is 153.48m² and the gross floor area of the ADU is 120.31m² which is 78% of the gross floor area of the main dwelling unit. The intent of this provision is to ensure the ADU remains accessory to the main dwelling in terms of size and scale.</p> <p>The ADU is located within an existing dwelling and no site alteration or exterior renovations are proposed by the application. The existing dwelling complies with all zone standards for the R1 zone. Although the proposed ADU is larger in gross floor area than what is permitted by the by-law in percentage, the unit is still smaller than the main unit and complies with all other provisions for ADUs, including parking (2 off-street spaces in total are required per 3.5 f). Staff would still consider the proposed ADU as an accessory use to the main dwelling unit as it is smaller in size and number of bedrooms (2 bedroom ADU vs 4 bedroom main dwelling).</p> <p>Considering the above comments, Staff are of the opinion that the purpose and intent of the Zoning By-law is maintained.</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 legalize an existing ADU within an existing dwelling which will provide and legalize an affordable housing option on the subject lands. No site alteration or exterior renovations are required as part of the application and the proposal complies with all applicable zoning provisions for a residential dwelling and ADU.</p> <p>Staff are of the opinion that the proposal is considered desirable for the appropriate and orderly development and use of the land, subject to the recommended conditions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff consider the variance to be minor in nature as no exterior renovations or site alteration is required to establish the use and because the ADU is proposed within a dwelling that already exists on the subject lands. The principal dwelling is larger than the ADU by approximately 22% making it the predominate dwelling, and the ADU is only approx. 20m² larger than the maximum 100m² GFA for an ADU. There is sufficient parking space on the subject lands in compliance with the zoning by-law. Staff therefore do not anticipate any negative impacts to surrounding uses.</p>

PREPARED BY: Keirsten Morris, Senior Planner

REVIEWED BY: Steven Montgomery, Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: December 7, 2023

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

FILE/APPLICATION: A-075-2023

SUBJECT: 2785 Ireton Ave.

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.