

Summary of Comments

A-006-2024 – 2367 5th Line



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-006-2024
MEETING DATE: April 18, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-006-2024 seeking relief from Section 3.5(j) for an increase to the maximum permitted footprint of an accessory dwelling unit located in the rear yard in any Residential zone.

PROPERTY INFORMATION:

Municipal Address	2367 5 th Line
Legal Description	CON 4 N PT LOT 15 RP 51R4544 PART 1 RP 51R9741 PART 1
Official Plan	Agriculture Area (Schedule B)
Zoning By-law	Residential Rural (RR)

RECOMMENDATION:

The Planning Department recommends approval of A-006-2024, subject to the following condition:

- 1.) That the variance only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.

Application Number	By-law Section	Requirements	Proposed	Difference
A-001-2024	3.3 j)	Max 50m ² footprint if located in the rear yard	73.70m ²	+23.70 m ²

REASON FOR APPLICATION:

The applicant is proposing to convert an existing detached garage structure located in the rear yard into an accessory Dwelling unit (ADU) with a footprint of 73.70 m². The applicant is seeking relief from Section 3.5 j) of the Zoning By-law which permits a maximum building footprint of 50m² for detached ADUs located in the rear yard of residential properties.

SURROUNDING LANDS:

North	5 th Line and agricultural fields
East	Agricultural fields
South	Agricultural fields
West	Single-detached dwelling

ANALYSIS:

Site Inspection Date	April 9, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are outside of a designated settlement area and are designated Agricultural Area in the Official Plan (Schedule B) which allows single detached dwellings and accessory structures including an accessory dwelling unit (ADU). The detached ADU is located mostly in the rear yard and is considered of a reasonable scale proportionate to the lot that meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character.</p> <p>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>Staff have no objections to a proposed ADU on the subject lands which meets 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 lands are zoned Residential Rural (RR) in the Town’s Zoning By-law 080-13. The RR zone permits single detached dwelling and accessory structures, including detached accessory dwelling units.</p> <p>The applicant is seeking relief from Section 3.5 j) to permit the conversion of an existing detached garage into an ADU in the same location mostly in the rear yard (the rear yard technically starts at the back of the principal dwelling (not including the deck), and south towards the rear lot line, so at least approximately 55m² of the structure is in the rear yard, therefore a variance is required to the rear yard provision for the structure). Section 3.5 j) of the By-law permits a maximum building footprint of 50m² for an ADU in a rear yard; the proposed gross floor area of the detached ADU is 73.70m². The purpose of this provision is to ensure that accessory structures are smaller than the principal dwelling, and that they are limited in visual bulk and massing. The ADU will simply replace an existing structure of the same size in the same location and will not provide a negative visual impact as far as massing and density. The principal dwelling will remain the dominant structure in terms of scale and use on the property due to its larger size and location closer to the front lot line. The property is also large enough that visual bulk and massing of the detached ADU is not of significant concern. No change in overall massing is taking place.</p>

	<p>The proposed accessory dwelling unit complies with all other provisions in the Zoning By-law, including lot coverage, height and all yard setbacks.</p> <p>Staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed condition.</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>As mentioned, the applicant is proposing to convert a detached accessory structure to an ADU which will provide for affordable housing on the subject lands. Minimal disturbance will take place as there is an existing structure of the same size in the same location on the subject property.</p> <p>Given the proposed location and size of the ADU and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land, subject to the proposed condition.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion that the proposed variance could be considered minor, subject to the proposed condition, due to the 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>

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Engineering

MEMORANDUM TO FILE

DATE: April 12, 2024

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

FILE/APPLICATION: A-006-2024

SUBJECT: 2367 5th Line

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.



Nottawasaga Valley
Conservation Authority

April 11, 2024

SENT BY EMAIL

Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON
L9S 1A1

Attn: Toomaj Haghshenas
Development Planner
thaghsheans@innisfil.ca

**RE: NVCA Comments for a Minor Variance
2367 5th Line
Town of Innisfil
Town File No. A-006-2024
NVCA ID #56891**

Nottawasaga Valley Conservation Authority [NVCA] staff has reviewed the above noted Minor Variance application proposing to construct an accessory dwelling unit (ADU) having a footprint of 68.5 sq. m. Section 3.5 (j) of the by-law permits a maximum footprint of 50 sq. m. for ADUs located in the rear yard. It is understood that the ADU will be constructed on the foundation/footprint of the existing detached garage.

NVCA staff have received and reviewed the following documents submitted with this application:

- Committee of Adjustment Application for Minor Variance – 2367 5th Line, dated March 8, 2024.
- Concept Plan (Moody Second Dwelling), prepared by Bailey Designs, dated March 12, 2024.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Town of Innisfil.

Ontario Regulation 41/24

1. The property falls partially within an area affected by Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) due to slope erosion hazards.
2. Technical staff have reviewed the location of the proposed additional dwelling unit and after further refinement have confirmed that the slope erosion hazards within this area are overestimated. A permit will **not** be required under the *Conservation Authorities Act*.

Natural Hazard - Regulatory Comments

3. Policies contained within the PPS restrict development to areas outside of hazardous lands adjacent to shorelines and large inland lakes as well as river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
4. Notwithstanding, the mapped slope erosion hazard within the area of the proposed ADU has been overestimated. There are no natural hazard concerns with the proposed development.

Conclusion

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed this application based upon our mandate and policies under the Conservation Authorities Act, and have no objection to the approval of this application. Thank you for circulating this application and please forward a copy of any decision and notice of any appeals filed for the above referenced application.

Should you require any further information, please feel free to contact the undersigned.

Sincerely,



Katelyn Wardlaw, Planner