

Summary of Comments
A-073 and A-074-2023 –
876 Kennedy Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-072-2023 & A-073-2023
MEETING DATE: December 14, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance applications A-072-2023 and A-073-2023 seeking relief from Sections 3.5(b) and 3.5(j) for an increase to the maximum permitted gross floor area and footprint for an accessory dwelling unit located in the rear yard.

PROPERTY INFORMATION:

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|--------------------------|---------------------------|
| Municipal Address | 876 Kennedy Rd |
| Legal Description | PLAN 881 LOT 79 |
| Official Plan | Residential Low Density 1 |
| Zoning By-law | Residential 1 (R1) |

RECOMMENDATION:

The Planning Department recommends approval of A-072-2023 and A-073-2023, subject to the following condition:

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-072-2023 | 3.5 b) | 50% of main dwelling GFA up to max. 100m ² | 50m ² Existing dwelling: 91m ² | +4.5m ² (10%) |
| A-073-2023 | 3.5 j) | 50m ² max. footprint if located in the rear yard | 67m ² | +17.6m ² (35%) |

REASON FOR APPLICATION:

The applicant is proposing to convert an existing detached accessory structure with a footprint of 67 m² into an accessory dwelling unit (ADU) with a ground floor area of 50m² with a one car garage. The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which states that accessory dwellings are permitted to have a maximum gross floor area of 50% of the principal

dwelling unit, up to a maximum gross floor area of 100 square metres. In addition, relief is requested for Section 3.5 j) in order to permit greater than a maximum gross floor area of 50 m² for accessory dwelling units located in the rear yard.

SURROUNDING LANDS:

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|--------------|-------------------------------------------------------------------|
| North | Single-detached dwelling |
| East | Temple Avenue & single-detached dwelling and accessory structures |
| South | Kennedy Rd and Single-detached dwellings |
| West | Single-detached dwelling |

ANALYSIS:

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| Site Inspection Date | December 05, 2023 |
| Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 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). The ADU is of a reasonable scale that meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character. The proposed accessory suite will provide opportunities for affordable housing which in general meets the purpose and intent of the Official Plan. |
| 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 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 b) of the Town's Zoning By-law requires a ground floor area maximum for accessory buildings of 50% of the gross floor area of the dwelling (91m²) which will result in a maximum allowable GFA of 45.5 m². The ADU is proposed to have a gross floor area of 50m². The purpose of this provision is to ensure the ADU is accessory to the principal dwelling in terms of size and scale, and to reduce visual bulk and massing of structures on a property. The principal dwelling unit is still larger than the proposed ADU at 91m². The principal dwelling will remain the dominant dwelling 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 ADU is not of significant concern.</p> <p>In addition, the applicant is seeking relief from Section 3.5 j) to permit an ADU structure with a footprint of 67.6 m² to be located in the rear yard. Section 3.5 j) of the By-Law states that any detached ADU located in a rear yard shall be a combined maximum of 50% of the rear yard, up to a maximum of 50 m²... with a minimum of 25% of the rear yard maintained as landscaped open space. The purpose of this provision is to ensure appropriate landscaped open space and amenity areas are provided, as well as limiting the visual bulk and massing of structures on the lot. As the proposal is to convert a legally existing accessory structure with appropriate rear and side lot line setbacks, staff have no concerns with the application meeting the intent of this provision.</p> |

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| | <p>The Zoning By-law allows for additional space and provides opportunities for affordable housing within the community without impacting the massing on the subject lands. In consideration of the above, Staff are of the opinion that the proposed variances maintain the purpose and intent of the Zoning By-law, subject to the proposed condition. 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 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 with a one car garage which will provide for affordable housing on the subject lands.</p> <p>Given the proposed location and height 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 both variances could be considered minor, subject to the proposed condition, due to the proposed size of the ADU, and the proposed 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



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: December 7, 2023

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

FILE/APPLICATION: A-073 & 074-2023

SUBJECT: 876 Kennedy

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