

Summary of Comments

A-022 & A-029-2022 – 2264 Lynn
Street



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-022-2022 & A-029-2022
MEETING DATE: May 19, 2022
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Vanessa Witt, MCIP, RPP
Senior Planner
SUBJECT: Minor variance applications A-022-2022 & A-029-2022 seeking relief from Section 3.5(b) of the Zoning By-Law to increase the gross floor area of an accessory dwelling unit more than 50% of the gross floor area of the principal dwelling on the lot and to seek relief from Section 3.5(j) to increase the building footprint coverage to be greater than 50 m².

PROPERTY INFORMATION:

Municipal Address	2264 Lynn Street
Legal Description	PLAN M349 LOT 52
Official Plan	Village Residential (Schedule B7)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of applications A-022-2022 & A-029-2022, 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 applicant submits a Tree Planting Plan to the satisfaction of the Town to provide trees and/or hedging along the rear and interior side lot lines adjacent to the accessory dwelling unit to visually screen the ADU from neighbouring properties.

REASON FOR APPLICATION:

The applicant is proposing to construct a detached accessory dwelling unit in the rear yard with a gross floor area (GFA) of 85.47 m² whereas the GFA of the principal dwelling is 152 m². The applicant is seeking relief from Section 3.5(b) and 3.5(j) of the Zoning By-law which require an accessory dwelling unit not be greater than 50% of the GFA of the principal dwelling and not be greater than 50 m² in building footprint coverage.

Application Number	By-law Section	Requirement	Proposed	Difference
A-022-2022	Section 3.5(b)	Gross floor area of the accessory dwelling unit is not greater than 50% of the GFA of the principal dwelling (152 m ²)	56.23% (85.47m ²) of the dwelling GFA	6.23% increase
A-029-2022	Section 3.5(j)	Building footprint coverage of an ADU is a maximum 50% of the rear yard, to a maximum of 50m ²	85.47m ²	35.47m ²

SURROUNDING LANDS:

North	Low density residential
East	Low density residential
South	Lynn Street, low density residential
West	Low density residential

ANALYSIS:

Site Inspection Date	April 13, 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 Village Residential on Schedule B7 in the Town’s Official Plan. Section 10.5.2 permits single detached dwellings and accessory second dwelling units on the subject property. The property currently contains a single detached dwelling and proposes a detached accessory dwelling unit.</p> <p>Section 10.1.40 states the building height, massing, and architectural features of infill development and intensification shall respect and fit into the context of the Village Settlement. Section 10.1.41 states the built form of new development shall give consideration to the inclusion of architectural elements that reference the elements and characteristics of the communities within which they are planned. The submitted elevations show the proposed building height is one storey at 4.5m (15 feet). The scale of the lot allows for a larger accessory dwelling unit with the total lot coverage being well below the maximum permitted coverage at 8% (35% permitted). The accessory dwelling unit will fit within the character of the Village Settlement of Stroud as a low-density at-grade dwelling.</p> <p>The subject property is located within a Highly Vulnerable Aquifer. Section 15.3.2 states major development and land uses that prohibit infiltration on-site shall be directed away from Highly Vulnerable Aquifers. Since the proposed development does not meet the definition of major development in the Official Plan, Staff have no concerns with the proposal conforming to this policy.</p> <p>Section 15.1.6 of the Official Plan states a tree protection plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot. As such, as a condition of approval, Staff require a tree preservation and planting plan be submitted to the satisfaction of the Town.</p>

	<p>Given the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</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 property is zoned Residential 1 (R1) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings and accessory dwelling units (ADUs). Section 3.5(b) states any accessory dwelling unit shall not be greater than 50% of the gross floor area (GFA) of the principal dwelling on the lot, up to a maximum gross floor area of 100m². With the GFA of the existing principal dwelling being 152m², a detached ADU would be permitted to be a maximum of 76m² (820 ft²). The application proposes a GFA of 85.47m² (920 ft²) which is 6.23% more than permitted in this case. Since the ADU is less than the maximum gross floor area of 100m² and complies with all other zone provisions including setbacks, height and lot coverage, Staff have no concerns with the proposed gross floor area of the ADU.</p> <p>Section 3.5(j) states any detached accessory dwelling units located in a rear yard shall be a combined maximum of 50% of the rear yard, up to a maximum of 50 square metres each in building footprint coverage, measured as the outside perimeter of the structure containing the accessory dwelling unit, with a minimum of 25% of the rear yard maintained as landscaped open space. Any detached accessory dwelling unit shall be setback a minimum of 1.2 metres from the rear and side lot line.</p> <p>Since the proposed ADU is in the rear yard and is over 50m², a minor variance is required to seek relief from this provision. The proposed ADU footprint is 85.47m² which is 14.88% of the total lot area (1148.94m²). Pursuant to Section 3.5(j), a detached ADU could be a maximum of 50% of the rear yard area, which would permit an ADU to be a maximum of 574.47m² in this case. However, the provision also limits the footprint of an ADU to allow for sufficient setbacks, landscaped open space, and additional parking spaces, if required. The minimum setbacks of 1.2 metres for the rear yard and interior side yard are exceeded, the landscaped open space exceeds the minimum requirement of 25% of the rear yard, and the applicant proposes additional parking spaces for the ADU even though the by-law does not require additional parking spaces for one ADU.</p> <p>If the proposed ADU were more than one-storey, it would likely comply with the minimum footprint of 50m² and not require the variance to Section 3.5(j) since the "footprint" refers to the total area of the at-grade storey whereas the "gross floor area" refers to the total floor area of all storeys combined. The applicant has chosen a single storey design that suits the needs of the proposed tenant and fits within the character of the neighbourhood as an at-grade dwelling. The submitted floor plans show an appropriately sized kitchen/dining room, living room, bedroom, bathroom and covered front porch. Since there is sufficient space for a footprint of larger than 50m² while still complying with the maximum of 50% of the rear yard coverage as well as maintaining more than the minimum 25% landscaped open space and exceeding</p>

	<p>the minimum setback requirements, Staff have no concerns with the ADU with a footprint of 85.47m².</p> <p>To visually screen the ADU to neighbouring properties, Staff have requested a condition of a Tree Planting Plan to provide trees and/or hedging along the rear and interior side lot line adjacent to the ADU.</p> <p>Considering the above, the applications maintain the purpose and intent of the Zoning By-law, subject to the proposed conditions.</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>Staff consider the variances desirable for the appropriate development and use of the land. The zoning and Official Plan permit accessory dwelling units (ADUs) and the Town actively encourages them. ADUs provide a form of affordable housing and add to the housing stock within Innisfil. The applicant has proposed a design for the detached one-storey ADU which suits the needs of the proposed tenant and fits within the neighbourhood and Village of Stroud.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff consider both variances minor in nature given the large lot to accommodate the size of the ADU, limited impacts to neighbouring properties, compliance with all other zone provisions, the development exceeding the landscaped open space requirement, and the proposal providing an affordable housing option within Stroud.</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: May 12, 2022

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

FILE/APPLICATION: A-022 & 029-2022

SUBJECT: 2264 Lynn St.

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 scoped 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)

1. No comments.