

# **Summary of Comments**

A-052 & A-053-2022 – 1015 Arnold  
Street



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-052-2022 & A-053-2022  
**MEETING DATE:** July 21, 2022  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Chris Cannon  
Placemaker/Planner  
**SUBJECT:** Minor variance applications A-0052-2022 and A-053-2022 seeking relief from 3.5 a) of the Zoning By-law which permits a maximum of two accessory dwellings and from Section 4.3.3.14 b) which requires accessory dwelling units to be 50m<sup>2</sup> minimum

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	1015 Arnold Street
<b>Legal Description</b>	Plan 98 S Pt Lot 676 and 677
<b>Official Plan</b>	Residential Medium Density
<b>Zoning By-law</b>	Residential Exception (R1-14)

### RECOMMENDATION:

The Planning Department recommends approval of minor variance applications A-052-2022 and A-053-2022 requesting relief from Sections 3.5 a) and 4.3.3.14 b) of the Town's Zoning By-law 080-13 subject to the following condition:

### CONDITION:

- 1.) That any existing trees along the property lines be protected and maintained to the extent possible to the satisfaction of the Town. If any trees are proposed to be removed during construction, a tree preservation/planting plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, location of new trees, and tree protection measures during construction of the accessory dwelling unit

### REASON FOR APPLICATION:

The applicant is proposing to allow a third accessory suite with an area of 45.44m<sup>2</sup>. The applicant is seeking relief from 3.3 a) of the Zoning By-law which states that maximum accessory dwellings on a property are two (2). In addition, relief is requested for Section 4.3.3.14 b) in order to permit a gross floor area of 45.44m<sup>2</sup> for accessory dwelling units located within the existing structure.

**SURROUNDING LANDS:**

<b>North</b>	Single-detached dwelling and accessory structures
<b>East</b>	Single-detached dwelling and accessory structures
<b>South</b>	Single-detached dwelling and accessory structures
<b>West</b>	Single-detached dwelling and accessory structures

**ANALYSIS:**

<b>Site Inspection Date</b>	July 7, 2022
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The subject lands are designated Residential Medium Density Area in the Official Plan. The Residential Medium Density designation permits single detached dwellings and accessory dwelling units, among other uses. The proposed third accessory suite, with a minor decrease in area, will provide opportunities for affordable housing (Section 14.3 of the Official Plan) Considering these matters and having reviewed the submitted Planning Justification Report, the purpose and intent of the Official Plan is considered to be maintained subject to the proposed condition respecting tree preservation, which is reflected in the Official Plan policies of Section 15.1.
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are zoned Residential 1 Exception (R1-14) in the Town’s Zoning By-law 080-13. The R1-14 zone permits, among other things; a single detached dwelling and accessory structures, as well as one second dwelling unit. This site-specific zoning was put in place in 1994. Since then, changes to the Town’s Zoning By-law resulted in allowances in residential areas for up to two accessory dwelling units in addition to a principal single-detached use. The applicant is requesting a third through a variance.</p> <p>Specifically, Section 3.5 a) of the Town’s Zoning By-law allows a maximum of two (2) accessory dwelling units on the subject lands. The proposed third accessory unit is smaller than the minimum 50m2 required under the R1-14 Zone, hence the application for the second variance. It is considered that adding a third accessory dwelling unit with an area of 45.44m2 within the existing structure is relatively minimal in the context of the site. All other provisions of the Zoning By-law are met, and parking is in excess of the requirements (11 spaces total, versus 6 required).</p> <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. The proposed accessory dwelling is to be located in the existing dwelling unit.</p> <p>Given the applicant is making efficient use of the existing structure, while proposing a decrease in minimum floor area (45.44m2) from the site specific 50m2 provisions; Staff are of the opinion that the proposal maintains the general intent of the Zoning By-law.</p>
<b>The variance is desirable for the appropriate/orderly</b>	The applicant is maintaining the existing dwelling and proposing a total of three accessory dwelling units within the structure to provide for affordable housing on the subject lands and in the opinion of Staff, the

<b>development or use of the land:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	proposal is desirable for the appropriate/orderly development and use of the land. Parking exceeds zoning requirements, as stated.
<b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Given the applicant is maintaining the existing dwelling and converting it to an opportunity for an affordable housing option with an minor decrease in size, Staff view the proposed variances to be minor in nature.

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** July 14, 2022

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

**FILE/APPLICATION:** A-052 & 053-2022

**SUBJECT:** 1015 Arnold St.

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**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. Retain qualified professionals to obtain a building permit for the dwelling units. The applicable drawings and schedules shall include but not be limited to change of use, room sizes, fire separations, and laundry facilities etc. Retain qualified professionals to complete any remedial construction and ensure all building inspections are performed.

**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.

# A-052 & A-053-2022 – 1015 Arnold St

## Public Comment:

I am writing to express my serious objection to the proposed legalization of third accessory dwelling unit within the principal dwelling with a deficient minimum gross floor area at 1015 Arnold St, Belle Ewart.

My objection is based on the property not meeting the following zoning by laws:

- a) maximum of two (2) accessory dwelling units will be permitted per lot.  
**The building at 1015 Arnold street is already divided into four separate apartments. Two on each floor of the building.**
- b) A deficient minimum gross floor area.  
**This application does not meet this requirement.**

Consider two of the primary zoning requirements for accessory dwelling units are not met, I would argue that the application is not in keeping with the Planning Act and that the intent and purpose of the Zoning By-law have not been maintained. I would also take the position that the application is not desirable for the appropriate use of the subject property, and that it is not minor in nature given the impact on neighboring properties in the immediate and general area.

The property in question is approximately 150 M setback from the Lake Simcoe waterfront and is on a private septic system. An adjustment to the zoning bylaws that results in an exception to add or exceed the allowable dwelling units per lot in this location will result in increased phosphorus pollution from the private septic systems and does not align with the provincial and local *governments* objectives to achieve the LSPP's phosphorus reduction target by 2026.

Over the course of the 12 years I have lived across the street from 1015 Arnold St. the building has been frequently used for short term accommodation (air bnb rentals). This causes significant disruption to the neighboring properties, reduces surrounding property values, and does not align with the intended zoning of the neighborhood. As well, the property is frequently overrun with vehicles resulting in excessive street parking and vehicles parked on the lawn. Adding third dwellings to this property will only exasperate the issue of unlicensed front yard parking with the negative visual impacts on adjoining yards and streetscapes.

While I can appreciate the need for affordable rental units, they must adhere to the zoning bylaws are in place to ensure the rights of the surrounding property owners are respected. As a property owner and resident of The Town of Innisfil, I have an expectation that the zoning bylaws are in place for a reason and that they will be upheld.

Unfortunately I am unable to attend the public meeting scheduled for July 21<sup>st</sup>, 2022 as I will be out of province. I trust my comments and feedback will be considered as part of that meeting, and will have influence on the decision.

## MEMORANDUM TO FILE

**DATE:** July 13, 2022  
**FROM/CONTACT:** Min Gill, min@innpower.ca  
**FILE/APPLICATION:** A-052-2022 & A-053-2022  
**SUBJECT:** 1015 Arnold Street

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**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):

Owner responsible for all costs for new hydro service and/or any costs involved with relocation of service.

**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)

No Comment

A decorative graphic in the bottom right corner of the page, consisting of several overlapping, curved, light blue and purple shapes that resemble stylized waves or a modern logo element.