

Summary of Comments

A-028, A-059 & A-060-2022 – 596

Mapleview Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-028-2022, A-059-2022 & A-060-2022

MEETING DATE: September 15, 2022

TO: Toomaj Haghsheenas, Secretary Treasurer Committee of Adjustment

FROM: Vanessa Witt, Senior Planner

SUBJECT: Minor variance applications A-028-2022, A-059-2022 & A-060-2022 seeking relief from Section 3.5(b), 3.5(g) 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 and for a requested height that exceeds the height of the principal dwelling.

PROPERTY INFORMATION:

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| Municipal Address | 596 Mapleview Drive |
| Legal Description | CON 12 S PT LOT 27 RP 51R20310 PART 1 |
| Official Plan | Key Natural Heritage Features and Key Hydrologic Features |
| Zoning By-law | Residential Rural (RR) Zone |

RECOMMENDATION:

The Planning Department recommends approval of A-028-2022, A-059-2022 & A-060-2022 subject to the following conditions:

CONDITIONS:

1. That the variances apply exclusively to the accessory dwelling unit as shown substantially in conformity to the drawings submitted with these applications.
2. That the recommendations and mitigation plan in the Natural Heritage Evaluation are complied with when constructing the development, including providing Woodland Protection Fencing in the areas as shown on Figure 3: Proposed Development.
3. That the applicant provides a Tree Compensation and Planting Plan to the satisfaction of the Town for minor tree removal as per the submitted Natural Heritage Evaluation.

REASON FOR APPLICATION:

The applicant is seeking relief from Section 3.5(b), Section 3.5(g), and Section 3.5(j) of the Zoning By-law for an increase to the maximum gross floor area and footprint of an accessory dwelling unit from 100 m² to 122.82m² in support of an accessory dwelling unit above a 3-car garage in the rear yard of the property. The height of the accessory dwelling unit exceeds the height of the principal dwelling at 5.94m.

| Application Number | By-law Section | Requirement | Proposed | Difference |
|--------------------|----------------|---|--|--|
| A-028-2022 | 3.5(b) | 100m ² max. GFA | 122.82m ² | 22.82m ² |
| A-059-2022 | 3.5(g) | Height cannot exceed principal dwelling height of 6m, whichever is less | 5.94m but exceeds height of principal dwelling | 0.85m (principal dwelling height is 5.09m) |
| A-060-2022 | 3.5(j) | 50m ² max. footprint if located in the rear yard | 122.282m ² | 72.82m ² |

SURROUNDING LANDS:

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| North | Key Natural Heritage Features and Key Hydrologic Features designation, unevaluated wetlands |
| East | Key Natural Heritage Features and Key Hydrologic Features designation, woodlands |
| South | Mapleview Drive, single detached dwellings |
| West | Key Natural Heritage Features and Key Hydrologic Features designation, single detached dwelling (600 Mapleview Drive), woodlands |

ANALYSIS:

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| Site Inspection Date | September 1, 2022 |
| Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <p>The subject property and adjacent properties are designated Key Natural Heritage Features / Key Hydrologic Features (KNHF/KHF) on Schedule B to the Town's Official Plan.</p> <p>The property is partially within a Highly Vulnerable Aquifer and is within a Significant Groundwater Recharge Area. The property is entirely regulated by the Lake Simcoe Region Conservation Authority (LSRCA). Since the development does not meet the definition of major development, it does not require a hydrogeological study or water balance study as per Section 15.3.6 of the Official Plan.</p> <p>In accordance with Section 17.1.8 of the Official Plan, new development (which includes building or structures requiring approval under the Planning Act (e.g., requiring variances)), will demonstrate the list of criteria through a Natural Heritage Evaluation (NHE) to be permitted within the KNHF/KHF designation. The applicant has submitted a NHE in support of the proposed development that has been peer reviewed by the LSRCA.</p> |

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| | <p>The NHE notes the 30m vegetation protection zone to the significant woodland feature is not feasible given the location on the property. Although the proposed structure encroaches further into the significant woodland boundary than the existing structures (to be demolished and replaced with the garage/ADU), alternative locations have been evaluated and would require significant tree removals in comparison to the proposed location. The NHE confirms the proposed location was chosen to result in lower tree removals and least natural heritage impact. The NHE suggests minor tree removal will need to occur to accommodate the structure. As such, Staff have added a condition to provide a tree compensation and planting plan for the proposed development as well as a condition to comply with the recommendations and mitigation plan in the NHE.</p> <p>In consideration of the above, Staff are of the opinion the proposed variances maintain the purpose and intent of the Town 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 Rural (RR) Zone in Zoning By-law No. 080-13. Table 4.1 permits a single detached dwelling and accessory dwelling units (ADU) in the RR Zone.</p> <p>Section 3.5(b) of the Zoning By-law states any ADU 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 100 m². The applicant is proposing a detached 3-car garage with an ADU on the 2nd storey with a gross floor area of 122.82m². 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 163.05m². The principal dwelling will remain the dominate 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>Section 35(g) states the maximum height for a detached ADU shall not exceed the height of the principal dwelling or 6 metres, whichever is less. Although the height of the ADU is less than 6m at 5.94m, it exceeds the height of the principal dwelling and thus, requires a variance to this provision. The intent of this provision is to ensure the principal dwelling remains the dominant dwelling and provides a hierarchy of structures on the property. The principal dwelling is only one-storey in height and the applicant has established a design that includes the ground floor of the proposed detached structure being used for a garage which will reduce building construction materials as well as lot coverage on the property if it were two separate one-storey structures. Since the proposed structure will be located in the rear of the property and screened by vegetation, the principal dwelling will remain the dominant dwelling on the property.</p> <p>Section 3.5(j) states any detached ADU located in a year yard shall be a combined maximum of 50% of the rear yard, up to a maximum of 50</p> |

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| | <p>m2 each in building footprint coverage...with a minimum of 25% of the rear yard maintained as landscaped open space. Any detached ADU shall be setback a minimum of 1.2 metres from the rear and side lot line. The applicant is proposing a detached 3-car garage with an accessory dwelling unit located on the 2nd storey in the rear yard of the property with a footprint of 122.82m2. The purpose of this provision is to ensure appropriate landscaped open space and amenity areas are provided. As part of the development, if approved, two existing detached accessory structures are proposed to be removed and replaced with the proposed garage/ADU. Further, the property contains a large amount of landscaped open space and natural areas in the eastern half of the property. The proposal also exceeds the minimum 1.2m setbacks to rear and side lot lines. Since the proposal is within an already disturbed area, provides appropriate landscaped open space and private amenity area and exceeds the minimum setback requirements, staff have no concerns with the application meeting the intent of this provision.</p> <p>In consideration of the above, Staff are of the opinion the proposed variances 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>The variances are desirable for the appropriate development of the lot. The applicant has designed a structure that appropriately accommodates two purposes: a 3-car garage and an accessory dwelling unit. The structure will be hidden from view of the street with appropriate vegetative screening as verified through a site visit and the submitted NHE. Its massing does not dominate the streetscape since there are a mix of 1, 1.5 and 2 storey dwellings across the street along Mapleview Drive.</p> |
| <p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Staff consider the proposed variances to be minor in nature due to the location of the accessory dwelling unit on the property and it being screened from view of the street with existing vegetation, limited visual impacts to neighbouring properties, and the proposal complying with all other applicable zone provisions. The size of the subject lands also reduces visual bulk and massing impacts of the ADU, as stated.</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: September 8, 2022

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

FILE/APPLICATION: A-028, 059, 060-2022

SUBJECT: 596 Maplevue Drive

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. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the 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)

No comments