

Summary of Comments

A-061, A-062 & A-063-2022 – 4178

5th Line



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-061-2022, A-062-2022, & A-063-2022

MEETING DATE: September 15, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Alexander Burnett, Future Planner, Planning Services

SUBJECT: Minor variance applications A-061-2022, A-062-2022 & A-063-2022 seeking relief from Section 3.5 b) of the Zoning By-Law to increase the gross floor area of an accessory dwelling unit to be greater than 100m², seeking relief from Section 3.5 i) to permit an accessory dwelling unit more than 60m from the principal dwelling on the lot, and seeking relief from Section 3.5 j) to increase the building footprint coverage of an accessory dwelling unit located in the rear yard to be greater than 50m².

PROPERTY INFORMATION:

Municipal Address	4178 5 th Line
Legal Description	CON 5 S PT LOT 1
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Agricultural General (AG) zone

RECOMMENDATION:

The Planning Department recommends approval of application A-061-2022, A-062-2022 & A-063-2022, subject to the following condition:

CONDITIONS:

1. That the variances apply exclusively to the accessory dwelling unit as shown substantially in conformity to the drawings submitted with these applications.

REASON FOR APPLICATION:

The applicant is proposing to construct a detached accessory dwelling unit (ADU) in the rear yard 146m away from the principal dwelling with a gross floor area (GFA) of 140m² and a building footprint of 140m². The applicant is seeking relief from Section 3.5 b) of the Zoning By-law which requires that an ADU have a maximum GFA of 100m², Section 3.5 i) which requires ADUs to be located a maximum of 60m from the principal dwelling on the lot, and Section 3.5 j) which requires an ADU to have a maximum footprint coverage of 50m² if located in the rear yard of the property.

Application Number	By-law Section	Requirement	Proposed	Difference
A-061-2022	Section 3.5 b)	GFA of an accessory dwelling unit is not greater than 100m ²	140m ²	40m ²
A-062-2022	Section 3.5 i)	Accessory dwelling units shall not be located more than 60m from the principal dwelling on the lot	146m	86m
A-063-2022	Section 3.5 j)	Footprint coverage of an accessory dwelling unit is not greater than 50m ²	140m ²	90m ²

SURROUNDING LANDS:

North	Agricultural Area
East	Agricultural Area; Rural residential
South	5 th Line; Agricultural Area
West	Agricultural Area

ANALYSIS:

Site Inspection Date	September 1 st , 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 Agricultural Area on Schedule B in the Town's Official Plan. Section 18.3.2 permits agricultural uses, single detached dwellings, and accessory second dwelling units on the subject property. The property currently contains agricultural uses and a single detached dwelling and proposes a detached ADU with an attached garage, porch, and farm office.</p> <p>The scale of the requested gross floor area (GFA) and footprint increases for the ADU are considered appropriate for the surrounding land uses in accordance with Official Plan Policy.</p> <p>Staff are of the opinion that the applications maintain 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 property is zoned Agricultural General (AG) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings and ADUs.</p> <p>Section 3.5 b) states that "any accessory dwelling unit 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 square metres". The applicant is proposing an ADU with a GFA of 140m². Staff note the definition of "Gross Floor Area" in the Zoning By-law excludes garages and porches. The intent of this provision is to ensure the ADU is accessory to the principal dwelling in terms of size and scale. With the</p>

principal dwelling being located closer to the road (front lot line), the ADU being hidden from view of the street, and both dwelling units being one-storey in height, the principal dwelling remains the dominant dwelling on the property. The large scale of the subject lands also reduces any effects of visual bulk or massing that may occur with larger ADUs on smaller lots.

Section 3.5 j) requires that “any accessory second dwelling unit in the rear yard shall have a combined maximum of 50% of the rear yard, up to a maximum of 50m² 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 an ADU with a building footprint of 140m². The intent of this provision is to ensure the rear yard contains appropriate landscaped open space and private amenity space. The scale of the agricultural parcel lends itself to have appropriate landscape open space and rear yard amenity space. Further, the ADU complies with the required 1.2 metre setback to rear and interior side lot lines. The submitted site plan, and a site visit, show trees planted along the interior side lot lines to assist with visual screening of the ADU.

Section 3.5(i) states that “any detached ADUs shall not be located within the front yard of the lot and shall not be located more than 60 metres from the principal dwelling on the lot”. The applicant is proposing an ADU located 146 metres from the principal dwelling. The intent of this provision is to ensure ADUs are associated with the principal dwelling and are not severed from the lot in the future. Based on the location of the proposed ADU in the rear of the property, being located within the building cluster (existing clad shop, barn under construction, and proposed riding arena), the existing driveway to this area, and the proposed farm office connected to the ADU, Staff have no concerns with the proposal being located further from the principal dwelling than permitted. Additionally, with the proposed location of the ADU in the rear of the property behind buildings and the shape of the lot, along with provincial policies for consent applications on prime agricultural lands, it would likely be difficult to sever the ADU or principal dwelling from the subject lands.

Section 3.46 of the Town’s Zoning By-law also states that “no permanent building or structure shall be located within 7.0 metres of the pipeline right-of-way. Accessory buildings or structures, including swimming pools, decks, detached garages, sheds, and similar structures, shall have a minimum setback of 3.0 metres from the pipeline right-of-way”. TransCanada Pipelines Limited (TCPL) has informed Staff and the applicant that it has a pipeline contained within a right-of-way (“easement”) abutting the eastern property line of the subject lands. The proposed ADU is not within the easement or setback and therefore complies with the Zoning By-law.

In consideration of the above, Staff are of the opinion the proposal maintains the general purpose and intent of the Zoning By-law.

The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed ADU is desirable for the appropriate/orderly development or use of the subject land as it provides a form of affordable housing not readily seen in the agricultural area. Additionally, due to its location set back from the road, being located behind the existing accessory building, and the proposed connected farm office, the proposed ADU maintains the character of the surrounding agricultural area. Based on the scale of the lot as well as the location of the proposed ADU, Staff do not foresee any negative impacts to surrounding properties.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on the scale of the subject lands and surrounding large agricultural lots well as the location of the proposed ADU including the proposed setbacks, the proposed variances are considered to be minor in nature. Further, the proposal complies with all other applicable zoning provisions, including additional provisions for ADUs.

PREPARED BY:

Alexander Burnett,
Future Planner, Planning Services

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-061, 062, 063-2022

SUBJECT: 4178 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. 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)

1. The applicant/owner shall provide a site plan with proposed building and existing septic footprint that meets all Ontario Building Code required clearances to wells and on-site sewage systems, to the satisfaction of Community Development Standards Branch (Building Department).