

Summary of Comments

A-010-2023 - 1296 Maple Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-010-2023
RELATED APPLICATION(S): A-047-2022 & A-048-2022
MEETING DATE: April 20, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance application A-010-2023 seeking relief from 3.5 g) of the Zoning By-law to increase the height of a detached accessory dwelling unit to be greater than 6m.

PROPERTY INFORMATION:

Municipal Address	1296 Maple Road
Legal Description	Plan 722, Lot 53
Official Plan	Residential Low Density 1
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends refusal of A-010-2023 Minor Variance Application requesting relief from Sections 3.5 g) of the Town's Zoning By-law 080-13 as the requested variance is not considered by Staff to satisfy the four tests, as established in Section 45(1) of the *Planning Act*.

REASON FOR APPLICATION:

The applicant is proposing to convert an existing workshop/detached garage to an accessory dwelling unit with a height of approximately 6.9m. The applicant is seeking relief from 3.3 g) of the Zoning By-law which states that the maximum height for a detached accessory dwelling unit shall not exceed the height of the principal dwelling or 6m, whichever is less. Minor variance applications A-047-2022 and A-048-2022 have been approved by the Committee of Adjustment in 2022 to permit the increased gross floor area of the proposed accessory dwelling unit in the rear yard.

SURROUNDING LANDS:

North	Single-detached dwelling and accessory structures (1300 Maple Rd)
East	Single-detached dwelling and accessory structures (1295 & 1297 Maple Rd)
South	Single-detached dwelling and accessory structures (1294 Maple Rd)

West	Single-detached dwelling and accessory structures (1311 Temple Ave)
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ANALYSIS:

Site Inspection Date	April 4, 2023
Maintains the purpose and intent of the Official Plan: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 in the Town’s Official Plan which permits single detached dwellings and accessory dwelling units on the subject lands.</p> <p>Section 19.2.10 of the Official Plan states development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.40 states building height, massing and architectural features of infill developments and intensification shall respect and fit in to the context of the local character of Primary, Urban and Village Settlements in which they are located. The subject lands are within the urban settlement area of Lefroy-Belle Ewart. The submitted elevations show the proposed accessory dwelling unit is on the second floor of a two-storey accessory structure which is taller than the existing one-storey principal dwelling on the subject lands and is not consistent with buildings and structures in the surrounding community. The proposed increase in height for the accessory dwelling unit is not considered necessary to allow the proposed affordable housing unit and the existing board fencing along the interior lot line to the south is not sufficient to screen the requested height for the detached accessory dwelling unit proposed on the second floor. Additionally, there is no existing fencing/vegetation along the interior lot line to the north to screen the proposed accessory dwelling unit.</p> <p>Given the above, Staff are of the opinion the proposed variance does not maintain the purpose and intent of the Official Plan. If the height of the accessory dwelling unit is lower than the principal dwelling or 6m, whichever is lesser, the variance is not required, and the Official Plan is met.</p>
Maintains the purpose and intent of the Zoning By-law: <input type="checkbox"/> Yes <input checked="" 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 dwellings and accessory dwelling units. Section 3.3 g) states that no accessory dwelling unit shall exceed the height of the principal dwelling or 6m, whichever is lesser. The proposed height is approximately 6.9m, which exceeds both the principal dwelling and 6m.</p> <p>The purpose of this provision is to ensure the hierarchy of structures is maintained on the property and to reduce visual bulk and massing of accessory structures and accessory dwelling units on the property and maintain the predominance of the principal dwelling as the principal use on the property. The proposed height for the accessory dwelling unit would be significantly taller than the principal dwelling and visible from the street and neighbouring properties, which would result in an adverse impact on the neighbourhood's overall massing and character.</p> <p>Given the above, Staff are of the opinion that the requested variance does not maintain the general intent of the Zoning By-law. Further it is</p>

	unclear to Staff based on the submission, why the structure cannot be designed to comply with the maximum 6m height limitation.
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Two minor variance applications A-047-2022 and A-048-2022 have been approved by the Committee of Adjustment in 2022 to permit the increased gross floor area of the proposed accessory dwelling unit (100m² required vs 133.78m² proposed) in the rear yard. As with these two approved variances, the requested height variance will result in the accessory dwelling unit to be taller and wider than the principal dwelling. Staff have concerns with respect to privacy, visual bulk and massing, and vegetative screening. As mentioned above, it appears the proposed variance can be avoided if modifications are made to the proposal which would allow the accessory dwelling unit to meet the requirements of the maximum height standards.</p> <p>Staff are of the opinion the proposed variance is not desirable for the appropriate/orderly development use of the land.</p>
<p>The variance is minor in nature: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The application is not considered minor in nature as the proposed height for the detached accessory dwelling unit significantly exceeds the required height standards. As with the previously approved variances, the requested height variance will result in the accessory dwelling unit to be visually larger than the one-storey principal dwelling on the subject lands and it appears the height of the structure could also be reasonably reduced.</p> <p>Given the above, Staff view the proposed variance to be not minor in nature, and therefore recommend refusal of the application.</p>

PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: April 14, 2023

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

FILE/APPLICATION: A-010-2023

SUBJECT: 1296 Maple Rd

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. No comment.

A-010-2023 - 1296 Maple Rd – Public Comments

Comment #1:

I am writing in objection to the proposed variance to breach the maximum allowable height for a secondary structure in the rear yard.

The primary residence at this property is a single storey bungalow with a roof peak of approximately 20'. The official mid-span height of the main residence is therefore about 15'. The proposed SDU in the rear yard is a 2 storey structure with a peaked roof and a proposed height of 25'. This would be a roof peak 10' over the midspan height, and 5' over the peak height of the existing house.

This alone would be a large overage, however in addition to the first passed variance allowing Approx. 170% beyond the maximum allowable footprint, the overall impact is significant.

This would end up being a 2 storey secondary backyard structure, taller than, and overlooking the 1 storey bungalow, and neighbouring bungalows.

Our first and primary concern is privacy. We moved from a subdivision to this area with a large lot, mature trees, and neighbours spread out further.

We currently enjoy a decent amount of privacy and only have 2 neighbours with any kind of long view towards our yard.

The proposed 2 storey ADU has several windows and a balcony which not only look down into neighbouring backyards, but directly at the rear of our house.

The main view is directly at our master bedroom walk-out, bathroom window, and kitchen walk-out, as well as the deck / kids play area.

In considering the size and proximity of the proposed ADU, we do not feel comfortable with the views and lack of privacy this would create.

We considered limiting options such as privacy hedges or a taller fence, but either would need to be 20' tall to maintain current privacy and not realistic.

Our second concern is property values. Market fluctuations aside, we bought this property with privacy in mind, as would any potential future buyer. We are also putting significant investment into home renovations and property improvement over the coming years. We feel the proposed ADU, being double the allowable height, not only destroys the current privacy, but does not fit the look and feel of the surrounding bungalow neighbourhood. The ADU would be looming over our backyards and even visible from the street, over the height of the primary residence. We do have a legitimate concern over this affecting neighbouring property values down the road.

Lastly, as mentioned in the applicant's justification, the ADU is proposed to provide "affordable housing". Although I agree with the concept, especially in today's housing climate, this is achievable in other ways (single storey ADUs/ Basement apartments). The proposed ADU is likely to be rented to tenants and/or possibly used as an Airbnb, if not by the current owners possibly in the future. Innisfil is already experiencing significant issues with Airbnb and short

term rentals, especially on properties near the lake (party houses which have endless complaints). Although we cannot predict the future usage of the ADU, this is not a possibility we want to entertain.

In conclusion, We have no issues with the concept of an ADU, neighbours having a rental unit, or providing affordable housing.

However, this is achievable with a 1 storey unit or basement rental, which does not significantly impact neighbour's privacy or property values.

"Providing affordable Housing" is justification for an ADU, but is not *specific* justification for a 2 storey structure.

Combined with the first variance for the same project, the overages proposed are not minor at all.

Please take our concerns into consideration when deciding on the matter.

Comment #2:

Hi,

We recently saw the notice for another variance at 1296 Maple road.

This property already had a variance issued to combine 2 garages in the backyard and allow nearly 3 times the maximum footprint for a second unit.

They are now requesting the unit be a 2 level building which will be taller than the bungalows in the area and have views into our backyards.

This also does not fit the look and feel of the surrounding homes and will likely affect property values.

The bulk of our area is single family homes and I am concerned with the potential of other uses and issues that brings.