

Summary of Comments

A-021 and A-022-2023 -

2192 Richard St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-021-2023 & A-022-2023
MEETING DATE: May 18, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Chris Cannon
Placemaker/Planner
SUBJECT: Minor variance applications A-021-2023 and A-022-2023 seeking relief from 3.5 b) of the Zoning By-law which states that accessory dwellings are permitted to have a maximum gross floor area of 50% of the principal dwelling unit, up to a maximum gross floor area of 100 square metres and seeking relief from 3.5 j) which permits a maximum gross floor area of 50 m² for accessory dwelling units located in the rear yard.

PROPERTY INFORMATION:

Municipal Address	2192 Richard Street
Legal Description	Plan 1449, Lot 11
Official Plan	Residential Low Density 1
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends approval of A-021-2023 and A-022-2023 Minor Variance Applications requesting relief from Sections 3.5 b) and j) of the Town's Zoning By-law 080-13 subject to the following conditions:

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.
- 2.) That the proposed ADU be constructed substantially in conformity with the drawings submitted with A-021-2023 and A-022-2023.

Application Number	By-law Section	Proposed	Difference
A-021-2023	3.5 b) 50% of main dwelling gfa = 58.53m ²	68.49m ²	+9.96m ²
A-022-2023	3.5 j) 50m ²	68.49m ²	18.49m ²

REASON FOR APPLICATION:

The applicant is proposing to convert an existing workshop/detached garage to an accessory dwelling unit (ADU) with a ground floor area of 68.49m². The applicant is seeking relief from 3.3 b) of the Zoning By-law which states that accessory dwellings are permitted to have a maximum gross floor area of 50% of the principal dwelling unit, up to a maximum gross floor area of 100 square metres. In addition, relief is requested for Section 3.5 b) in order to permit a maximum gross floor area of 50 m² for accessory dwelling units located in the rear yard.

SURROUNDING LANDS:

North	Single-detached dwelling and accessory structures
East	Richard Street & Single-detached dwelling and accessory structures
South	Single-detached dwelling and accessory structures
West	Single-detached dwelling and accessory structures

ANALYSIS:

Site Inspection Date	May 4, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are designated Residential Low Density 1 Area in the Official Plan. The Residential Low Density 1 designation permits single detached dwellings and accessory structures including accessory dwelling units (ADUs). The proposed increase in area for the accessory suite will provide opportunities for affordable housing and therefore meets the purpose and intent of the Official Plan. Staff note the proposed area increase however would not increase the area of the existing detached garage from an external built-form perspective. Tree preservation is required as a condition in accordance with the urban forest policies of the Official Plan (Section 15.1) respecting no net loss of trees.
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input 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, among other things, the single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>Section 3.5 b) of the Town's Zoning By-law requires a ground floor area maximum for accessory buildings of 50% of the gross floor area of the dwelling, which would only provide about 61m² for the ADU, however the ADU is 68.49m². In addition, the applicant is seeking relief from Section 3.5 j) to permit the conversion of the existing garage located in the rear yard. The By-law only allows 50m² per rear yard ADU.</p> <p>The Zoning By-law allows for additional space and provides opportunities for affordable housing within the community without</p>

	<p>impacting the massing on the subject lands. The proposed accessory dwelling is to be located in the existing detached garage which is being converted to accommodate the proposal. As the t proposal is within the existing detached garage in the rear yard it would not result in a larger structure than what is already existing, and not impacting with respect to visual bulk and massing. All other provisions of the Zoning By-law are met.</p> <p>Given the applicant is making efficient use of the existing structure located in the rear yard, while proposing an increase in ground floor area; Staff are of the opinion that the proposal maintains the general intent of the Zoning By-law.</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>As previously mentioned, the applicant is maintaining the existing detached garage and converting the existing structure to provide for affordable housing on the subject lands. Therefore, it is considered that the proposal is desirable for the appropriate/orderly development and use of the land, subject to the proposed conditions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Given the applicant is maintaining the existing detached garage and converting it to an opportunity for an affordable housing option with a increase size, Staff view the proposed variances to be minor in nature.</p>

PREPARED BY:

Chris Cannon, Placemaker/Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: May 12, 2023

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

FILE/APPLICATION: A-021-022-2023

SUBJECT: 2192 Richard 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. The proposed change of use and subsequent construction appears to impact the spatial separation requirements regarding the proposed unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, an alteration of the design may be required 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



MEMORANDUM TO FILE

DATE: May 11, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-021-2023, A-022-2023 (2192 Richard Street)
SUBJECT: Committee of Adjustment Applications – May 2023
Engineering Services Review Comments

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):

- The Applicant/Owner shall ensure that all **swales on the property** meet the requirements set out in Section 7.3 of the Town of Innisfil (“Town”) Engineering Design Standards and Specifications Manual (“Town Standards”), as amended, and shall ensure stormwater (“SWM”) runoff does not adversely affect adjacent properties.
- The Applicant/Owner shall prepare and submit **engineering design** drawings, specifications, and reports signed and sealed by a Professional Engineer for the property that address, but may not be limited to, such matters as site layout, **lot grading**, stormwater management, tree preservation and compensation for removal (refer to Town Corporate Policy CP.09-08 Tree Policy for Development Approvals and Town Standard Section 8.3.3), servicing, and LID measures, to the satisfaction of the Town and InnServices Utilities Inc. (“InnServices”).
- The Applicant/Owner shall enter into a **right-of-way activity permit (RAP)** prior to the issuance of building permit(s) with the Town and/or InnServices for all works completed within the Town’s road allowance, such as installation of new water and /or sanitary sewer laterals, and any changes that may be required to the existing water and/or sanitary sewer mains to service the lots. All works shall be completed in accordance with Town Standards and to the satisfaction of the Town and/or InnServices.

Conditions 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):

- The Applicant/Owner shall prepare and submit **engineering design** drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.