

Summary of Comments

A-030-2023 – 1076 Spruce Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-029-2023
MEETING DATE: June 15, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Minor variance application seeking relief from Section 3.5 b) of the Zoning By-law No. 080-13 for an increase to the maximum permitted gross floor area for an accessory dwelling unit.

PROPERTY INFORMATION:

Municipal Address	3798 2 nd Line
Legal Description	CON 2 S PT LOT 4
Official Plan	Agricultural Area and Key Natural Heritage Features & Key Hydrologic Features (KNHFs & KHF) (Schedule B)
Zoning By-law	Agricultural (AG) and Environmental Protection (EP) Zones

RECOMMENDATION:

The Planning Department recommends approval of A-029-2023, subject to the following conditions:

CONDITIONS:

- 1.) That the variance applies exclusively to the accessory dwelling unit as shown substantially in conformity to the drawing(s) submitted with this application;
- 2.) That the accessory dwelling unit will be a maximum of one storey and not exceeding the height of the principal dwelling; and,
- 3.) That elevation drawings and floor plan to be submitted for review to the satisfaction of Planning Services.

REASON FOR APPLICATION:

The applicant is seeking relief from Section 3.5 b) of the Zoning By-law for an increase to the maximum gross floor area (GFA) of an accessory dwelling unit (ADU) from 100m² to 148.6m² in support of a one-storey ADU and an attached garage on the subject property.

Application Number	By-law Section	Requirement	Proposed	Difference
A-029-2023	3.5 b)	Maximum 100m ² GFA	148.6m ²	48.6m ²

SURROUNDING LANDS:

North	Agricultural area, Woodlands, KNHFs & KHF's designation
East	Single detached dwelling and accessory structures (3734 2 nd Line), Agricultural area, Woodlands, KNHFs & KHF's designation
South	2 nd Line, Agricultural area, KNHFs & KHF's designation
West	Agricultural area, Woodlands, KNHFs & KHF's designation

ANALYSIS:

Site Inspection Date	June 1, 2023
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 and Key Natural Heritage Features & Key Hydrologic Features (KNHFs & KHF's) on Schedule B to the Town's Official Plan. ADUs are permitted within Agricultural Area designation.</p> <p>The subject lands are outside of any settlement area. The proposed ADU along with an attached garage is located on the southern portion of this large lot. The subject lands are mostly regulated by the Nottawasaga Valley Conservation Authority (NVCA). There is a watercourse to the north and east sides of the proposed development. NVCA staff has confirmed that NVCA permit approval is not required because the proposed development is outside of the NVCA regulated boundary. Further, the proposed development has a significant distance from the above-mentioned watercourse and any woodlands, and no vegetation removal is being proposed to accommodate the proposed development.</p> <p>Given the above, Staff are of the opinion the proposed development maintains the general purpose and intent of the Official Plan, subject to the proposed conditions.</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 (AG) and Environmental Protection (EP) Zones in Zoning By-law No. 080-13. Table 8.1 permits single detached dwellings and ADUs in the AG 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 one-storey ADU on the east side of the principal dwelling with an approximate GFA of 148.6m². 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 is much larger than the proposed ADU at 453.4m². The one and half storey principal dwelling will remain the dominate dwelling on the property due to its larger size, height, and location closer to the front lot line, subject to the proposed conditions. The property is also large enough that visual bulk and massing of the ADU is not of significant concern. Additionally, the proposal complies with all other applicable zone provisions, including height, lot coverage and all setbacks.</p>

	In consideration of the above, Staff are of the opinion the proposed variance maintains the purpose and intent of the Zoning By-law, subject to the proposed conditions.
The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The variance is desirable for the appropriate development of the land. The applicant has designed a structure that appropriately accommodates an ADU with an attached garage. The structure will be vegetatively screened from view of the street with existing trees and hedges along the front lot line as verified through a site visit. Further, the proposed ADU is in an existing gravel area which will not result in tree removal and the attached garage will take advantage of the existing driveway to the west.</p> <p>Given the above, Staff consider the variance desirable and appropriate for the use of the land, subject to the proposed conditions.</p>
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Staff consider the proposed variance to be minor in nature due to the location of the ADU 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> <p>Staff support the proposed development but request the applicant to submit supplementary elevation drawings and floor plan to the satisfaction of the Town, as per the proposed conditions. Given the scale of the subject lands and location of the ADU there is a lack of concern respecting land use compatibility, off site impacts, visual bulk and massing and privacy, hence Staff can support the variance with the condition of reviewing floor plans and elevations, as long as the ADU is one storey.</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: June 9, 2023

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

FILE/APPLICATION: A-029-2023

SUBJECT: 3798 2nd 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)

No comments.



MEMORANDUM TO FILE

DATE: June 9, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-029-2023 (3798 2nd Line)
SUBJECT: Committee of Adjustment Applications – June 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 undertake and submit a scoped **hydrogeological assessment**, to the satisfaction of the Town, to address issues related to (as applicable) impacts to the existing well water supplies, impacts to nearby surface water bodies, design of sump pumps (if required), and indicating that the requirements of the Ontario Building Code for septic systems can be achieved for the ADU, in accordance with the Town's Official Plan.

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 undertake a scoped **hydrogeological assessment** in accordance with Town Standards and to the satisfaction of the Town.