

# **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:** August 17, 2023  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Brandon Correia  
Manager of Planning  
**SUBJECT:** Minor variance application A-010-2023 seeking relief from 3.5 g) of the Zoning By-law which states a detached accessory dwelling unit shall not exceed the height of the principal dwelling or 6 metres, whichever is less.

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### PROPERTY INFORMATION:

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

### RECOMMENDATION:

The Planning Department recommends approval of A-010-2023, subject to the following condition:

#### CONDITION:

- 1.) That supplementary elevation drawings and floor plan to be submitted for review to the satisfaction of Planning Services.

### REASON FOR APPLICATION:

The applicant is proposing to construct an accessory dwelling unit with a height of 5.22m. The applicant is seeking relief from 3.5 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.

Application Number	By-law Section	Requirement	Proposed	Difference
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A-010-2023	Section 3.5 g)	Height for a detached accessory dwelling unit shall not exceed the height of the principal dwelling or 6m, whichever is less	5.22m (Principal dwelling 4.33m)	0.89m
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#### SURROUNDING LANDS:

<b>North</b>	Single-detached dwelling and accessory structures (1300 Maple Rd)
<b>East</b>	Single-detached dwelling and accessory structures (1295 & 1297 Maple Rd)
<b>South</b>	Single-detached dwelling and accessory structures (1294 Maple Rd)
<b>West</b>	Single-detached dwelling and accessory structures (1311 temple Ave)

#### ANALYSIS:

<b>Site Inspection Date</b>	April 4, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> Yes <input 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 property.</p> <p>Section 19.2.10 states development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.41 states the built form of new development shall give consideration to the inclusion of architectural elements that reference the elements and characteristics of the communities within which they are planned. The submitted elevations show the proposed accessory dwelling unit is on top of the existing workshop/garage which is consistent with the existing one and two-storey buildings and structures in the area. No vegetation removal is being proposed to accommodate the detached accessory dwelling unit.</p> <p>Given the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed condition.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <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 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.</p> <p><b>Given the total length of dormers is less than half of the length of roof, the height is measured from the midpoint of the overall roof</b> (eaves above the first storey to roof peak). Therefore, the overall height of the accessory dwelling unit to the mid-point of the roof (which is how height is measured under the Zoning By-law) is 5.22m, which is below 6m but exceeds the principal dwelling (4.33m).</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 structures on the property. The applicant is making efficient use of</p>

	<p>the existing structure located in the rear yard. The increased height of the accessory dwelling unit is to accommodate the proposed accessory dwelling unit on top of the existing workshop/garage. There are a few windows on the front of the accessory dwelling unit, which will minimize overlook onto neighbouring properties. Additionally, the detached accessory dwelling unit is screened by the principal building and is not visible from the street (Maple Road). The principal dwelling will remain the dominate dwelling on the property due to its location closer to the front lot line.</p> <p>Staff support the proposed development but request the application, subject to the proposed condition, to submit supplementary (north and south) elevation drawings and floor plan to the satisfaction of the Town. Staff note the proposed accessory dwelling unit shall have a maximum of 3 bedrooms, in accordance with Section 3.5 c) of the Zoning By-law.</p> <p>Given the above, while proposing an increase in height, Staff are of the opinion that the proposal maintains the general intent of the Zoning By-law, subject to the proposed condition.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></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 property. The variance is required due to the requirement of a minor increase in height. Additionally, 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 (100m<sup>2</sup> required vs 133.78m<sup>2</sup> approved) in the rear yard.</p> <p>Staff consider the variance desirable for the appropriate development of the land since the proposed use is permitted and desirable for a residential property, the proposed accessory dwelling unit is screened by existing mature trees to the rear lot line and by the principal dwelling from Maple Road, the proposed accessory dwelling unit has a significant distance to any neighbouring dwellings, and the development complies with all other zone provisions. Further, the proposed accessory dwelling unit will not result in tree removal.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>Given the applicant is maintaining the existing detached garage and converting it to an opportunity for an affordable housing option, the proposed location of the accessory dwelling unit is in the rear yard of the subject property, the proposed accessory dwelling unit have limited impacts to neighbouring properties, and the proposed accessory dwelling unit meets all other provisions of the Zoning By-law, Staff view the proposed variance to be minor in nature, subject to the proposed condition.</p>

**PREPARED BY:**

Brandon Correia, MCIP, RPP  
Manager of Planning



Engineering

## MEMORANDUM TO FILE

**DATE:** August 14, 2023

**FROM/CONTACT:** Adil Khan ex 3244 akhan@innisfil.ca

**FILE/APPLICATION:** A-010-2023

**SUBJECT:** 1296 Maple Rd.

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**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. Please ensure your ADU is acceptable from a geotechnical perspective.

**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 conditions of approval.



**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

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**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 50m<sup>2</sup> 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 Comment**

I am writing to comment on the Variance for 1296 Maple road.

I'd like it to be noted that I fully support the objectives of "providing affordable housing", building ADUs, and having potential in-law suits or rental income.

However, this should be done with minimal impact to the surrounding area and not significantly change or lessen the level of privacy neighboring properties currently enjoy, and whom bought their property with that expectation.

I have since met with the applicant and property owner to discuss the project and my concerns. They were very open and understanding, and had a focus of maintaining a good relationship between neighbors. To this end we were able to agree on an outcome which appeases the interests of both parties.

As the immediate neighbor to the applicant, I am in support of the proposed ADU in its current design, with conditions in place to mitigate the privacy concerns previously mentioned.

If there are no windows on the South elevation facing our rear yard, and vegetation is planted in the form of a privacy hedge along the property line, I believe our current level of privacy would be maintained and I am agreeable to the project as proposed.

This has been agreed to by both parties, and we would request the C of A to approve the variance with the current design and these conditions.

1. No windows to be permitted on the South elevation.
2. Vegetation to be planted near the property line and within the line-of-sight between the ADU windows and our master bedroom walk out. These would need to be mature hedges in the range of 15-18' in height.

Please feel free to reach out and confirm with the applicant.

I thank the C of A for their time and consideration on this matter, and I thank the applicant and property owner for being understanding of my concerns and ultimately coming to an agreement in the interest of maintaining a good relationship between neighbors.