

Summary of Comments

A-014, A-015 and A-015-2024 -
1708 South Porcupine Avenue



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-014-2024, A-015-2024 & A-016-2024

MEETING DATE: June 20, 2024

TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment

FROM: Toomaj Haghshenas
Development Planner

SUBJECT: Minor variance applications A-014-2024, A-015-2024 and A-016-2024 seeking relief from Sections 3.5(g) 3.5(j) and 3.5(k) for an increase to the maximum permitted height of an accessory dwelling unit, an increase to the maximum permitted footprint of an accessory dwelling unit located in the read yard, and a reduced exterior side lot line setback for a detached accessory dwelling unit.

PROPERTY INFORMATION:

Municipal Address	1708 South Porcupine Avenue
Legal Description	PLAN 1197 LOT 163
Official Plan	Residential Low Density 1 (B1)
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends approval of A-014-2024, A-015-2024 and A-016-2024, subject to the following conditions:

- 1.) That the variance only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
- 2.) That the existing mature trees and boundary trees/hedging be protected and maintained to the satisfaction of the Town. 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, and location of new trees and tree protection measures during construction. The existing hedging on the east and south side of the subject lands shall remain to visually screen the proposed structure.

	By-law Section	Requirements	Proposed	Difference
--	----------------	--------------	----------	------------

Application Number				
A-014-2024	3.5 g)	Max 6m height or height of principal dwelling, whichever is less. Dwelling is 5 m.	6.44 m	+1.44m
A-015-2024	3.5 j)	- 50m ² max. footprint if located in the rear yard	81.25m ²	+31.25m ²
A-016-2024	3.5 k)	Minimum 3m setback from the exterior side lot line	2m	-1.0m

REASON FOR APPLICATION:

The applicant is proposing to construct a two-storey accessory structure which will include an accessory dwelling unit (ADU). The ADU structure will have a proposed footprint of 81.25m², a proposed height of 6.44m and a deficient exterior side yard setback of 2m. The applicant is seeking relief from Section 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 lesser. In this instance, the 5m height of the existing principal dwelling would apply. In addition, relief is requested for Section 3.5 j) which permits a maximum building footprint of 50m² for detached ADUs located in the rear yard. And lastly, relief from section 3.5 k) is requested which requires a minimum exterior side lot line setback of 3m for all detached ADU structures.

SURROUNDING LANDS:

North	Blackwoods Avenue and Single-detached dwellings
East	South Porcupine Avenue and Single-detached dwellings
South	Single-detached dwelling
West	Single-detached dwelling

ANALYSIS:

Site Inspection Date	June 14, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Alcona. The subject lands are designated Residential Low Density 1 in the Official Plan (Schedule B1). The Residential Low Density 1 designation permits single detached dwellings and accessory structures including accessory dwelling units (ADUs). Section 14.3 of the Official Plan includes policies that promote development that provides affordable and accessible housing which includes ADUs. The proposed ADU would provide an opportunity for a more affordable housing option and increase the housing diversity within the Town which in general is consistent with the purpose and intent of the Town’s Official Plan.</p> <p>Section 19.2.10 of the Official Plan states that development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.40 of the Official Plan requires that building height, mass and architectural features of infill development and intensification fit into the context of the local character. Surrounding properties consist exclusively of single-detached dwellings consistent with the Residential Low Density 1. The structure is mostly hidden by</p>

	<p>virtue of existing hedging from the road, and the height of the structure, which is designed at 1.5 storeys, is considered compatible with the area.</p> <p>Staff have no objections to a proposed height, footprint and reduced exterior side yard setback of the proposed ADU on the subject lands. The required variances in general meet the purpose and intent of the Official Plan, subject to the proposed conditions.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential 1 (R1) in the Town's Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>Section 3.5 g) of the Town's Zoning By-law states that the maximum height for a detached ADU shall not exceed the height of the principal dwelling or 6m, whichever is less. The ADU is proposed to have a height of 6.44 m, which is 1.44m over the permitted maximum height of 5 m which is the height of the existing principal dwelling. 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; as well a reduce privacy concerns with neighboring properties. The increased height is required to allow for a second storey dwelling unit. The principal dwelling will remain the predominant structure in terms of footprint and the ADU would be mostly screened from the road. The 1.5 storey design reduces the visual bulk and massing concerns of the second storey. There are no privacy concerns with the proposed ADU; adequate distance separates it from the neighbor directly to the West, and tall vegetation creates visual screening with the neighbor located directly to the South.</p> <p>In addition, the applicant is seeking relief from Section 3.5 j) to permit an ADU structure with a footprint of 81.25m² to be located in the rear yard. Section 3.5 j) of the By-law permits a maximum building footprint of 50m² for an ADU structures in a rear yard. Given the configuration of the lot, the front yard is considered adjacent to Blackwoods Ave. The purpose of this provision is to limit the visual bulk and massing of structures on the lot while providing substantial rear yard amenity space. Staff have no concerns with the application meeting the intent of this provision in terms of footprint. As mentioned, the principal dwelling will remain the predominant structure in terms of footprint and the ADU would mostly be screened from the road.</p> <p>Lastly, the applicant is seeking relief from Section 3.5 k) to permit an exterior side lot line setback of 2m for the ADU structure. Given the configuration of the subject property, the lot line adjacent to South Porcupine Avenue is considered the exterior side lot line. Section 3.5 k) of the By-law requires a minimum setback of 3 metres from the exterior side lot line. The purpose of this provision is to alleviate traffic safety concerns including sightlines exiting and entering the property</p>

	<p>and at the intersection, and visual bulk and massing. Given the location of the structure, staff are of the opinion that the structure will not have any negative visual impacts associated with traffic in the area, or ingress and egress to the subject lands. The existing hedge would screen the structure.</p> <p>The proposed accessory structure complies with all other provisions in the Zoning By-law, including lot coverage and all other yard setbacks.</p> <p>Staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed conditions.</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>The applicant is proposing to construct a two-storey accessory structure which will include an accessory dwelling unit (ADU) providing for affordable housing on the subject lands. The proposed structure is located on the southeast corner of the property in the rear yard. The proposed structure takes advantage of an existing driveway, ensuring adequate parking, and would have limited impacts to neighbouring properties due to its location and the presence of tall vegetation surrounding the area; as well as compliance with all other zoning provisions.</p> <p>Given the proposed location, size and height of the accessory structure, presence of tall vegetation and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion that the proposed variances could be considered minor, subject to the proposed condition, due to the proposed scale and location of the structure which will have limited impacts to neighboring properties, and the proposed development meeting all other provisions of the Zoning By-law.</p>

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: June 14, 2024

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

FILE/APPLICATION: A-014,015,016-2024

SUBJECT: 1708 South Porcupine Ave.

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 comments.



Engineering

MEMORANDUM TO FILE

DATE: June 14, 2024

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

FILE/APPLICATION: A-014-2024, A-015-2024, & A-016-2024

SUBJECT: 1708 South Porcupine Avenue

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. No comment.

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.