

Summary of Comments

A-025-2024 - 1041 Fern Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-025-2024
ASSOCIATED FILE(S) A-011-2024 & A-012-2024
MEETING DATE: July 18, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Development Planner
SUBJECT: Minor variance application A-025-2024 seeking relief from Section 3.3 f) to permit the height of an accessory structure to be greater than 5m.

PROPERTY INFORMATION:

Municipal Address	1041 Fern Rd
Legal Description	Plan 767, Lot 55
Official Plan	Residential Low Density 1 (Schedule B3)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-025-2024, subject to the following condition(s):

Condition(s):

- 1.) That the variance only applies to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage with a height of 5.33m (17.5 ft) in the 'rear yard' of the subject lands (technically the front lot line is the lot line abutting Fern Road). The applicant is seeking relief from 3.3 f) of the Zoning By-law, which requires no accessory building shall exceed the height of the principal building on the lot or 5.0 metres, whichever is the lesser. Minor variance applications A-011-2024 and A-012-2024 have been approved by the Committee of Adjustment in early 2024 to permit the increased footprint and increased lot coverage of the proposed detached garage.

Application Number	By-law Section	Requirement	Proposed	Difference
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A-025-2024	Section 3.3 f)	Height of an accessory structure cannot exceed the height of the principal building or 5m, whichever is the lesser	5.33m (principal dwelling 5.09m)	0.33m
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SURROUNDING LANDS:

North	Fern Rd & single-detached dwelling and accessory structures
East	Temple Avenue & single-detached dwelling and accessory structures
South	Single-detached dwelling and accessory structures
West	Single-detached dwelling and accessory structures

ANALYSIS:

<p>Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Residential Low Density 1 on Schedule B3 in the Official Plan which permits accessory buildings/structures. The proposed detached garage is located on the southern portion of the property of this corner lot. Section 19.2.10 states development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.40 states that building height, massing and architectural features of infill development and intensification shall respect and fit into the context of the local character of the Primary, Urban and Village Settlements in which they are located. 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 one-storey garage is consistent with the existing one and two-storey buildings and structures in the area.</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(s).</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 property is zoned Residential 1 (R1) Zone in the Town's Zoning By-law No. 080-13, which permits single detached dwellings and accessory buildings/structures.</p> <p>Section 3.3 f) states no accessory building shall exceed the height of the principal building on the lot or 5m, whichever is the lesser. The proposed height is approximately 5.33m (to the mid-point of the gabled roof), which exceeds 5m and is slightly higher than the principal dwelling (5.09m). The general intent of the provision is to ensure the dwelling is the principal structure on the property in terms of scale and to limit visual bulk and massing. It is considered that the garage, while slightly taller, is smaller in footprint than the dwelling, and similar in height (24cm difference). Considering this, the location of the garage and scale of the lot as previously discussed in the planning memorandum for A-011-2024 and A-012-2024, Staff are of the opinion the garage could be considered to meet the general intent of the Zoning By-law.</p>

	<p>Furthermore, there is no window proposed on the south side of the garage; thus, Staff have no concerns regarding privacy. Staff note that there is some existing hedging/vegetation to the south, which could assist in reducing visual impacts on the neighboring property to the south.</p> <p>Considering the above, Staff are of the opinion that the application maintains 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 proposed detached garage is located on the south side of the property in the rear yard, is one-storey and meets all setback requirements. The variance is required due to the requirements of the maximum height for detached accessory structures. As previously mentioned, minor variance applications A-011-2024 and A-012-2024 have been approved by the Committee of Adjustment in early 2024 to permit the increased footprint (50m² required vs 117.05m² approved) and increased lot coverage (10% required vs 11.18% approved) of the proposed detached garage.</p> <p>Staff consider the variance desirable for the appropriate development of the land since the proposed use is permitted and suitable for a residential property. The visual impact of the proposed detached garage is reduced by existing cedar hedging/vegetation along the rear lot line, has no window facing the neighboring dwelling to the south, and complies with all setback provisions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion the variance could be considered minor, subject to condition(s), due to the size of the lot, proposed location of the accessory structure on the property and having limited impacts to neighbouring properties.</p>

PREPARED BY:

Darren Ding
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Engineering

MEMORANDUM TO FILE

DATE: July 5, 2024

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

FILE/APPLICATION: A-025-2024

SUBJECT: 1041 Fern 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.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: July 12, 2024

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

FILE/APPLICATION: A-025-2024

SUBJECT: 1041 Fern Road

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 comments.

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.