

# **Summary of Comments**

A-077 & A-078-2022 – 2843 Small  
Street



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-077-2022 & A-078-2022  
**MEETING DATE:** February 16, 2023  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Darren Ding  
Planner/Placemaker  
**SUBJECT:** Minor variance applications seeking relief from Section 3.3(b) of the Zoning By-Law to increase the gross floor area or footprint of an accessory structure from 50m<sup>2</sup> to 138.3m<sup>2</sup> and to seek relief from Section 3.3(f) to permit the height of an accessory structure to be greater than 5m.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	2843 Small Street
<b>Legal Description</b>	PLAN M349 LOT 1
<b>Official Plan</b>	Village Residential (Schedule B7)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-077-2022 & A-078-2022, subject to the following condition:

### CONDITION:

- 1.) That the variances only apply 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 (accessory structure) with an increased footprint of 138.3m<sup>2</sup> and an increased height of 5.33 metres. The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which requires a maximum gross floor area or footprint of 50m<sup>2</sup> and from Section 3.3 f) which requires accessory structure shall not exceed the height of the principal building or 5m, which ever is the lesser.

Application Number	By-law Section	Requirement	Proposed	Difference
A-077-2022	Section 3.3(b)	Maximum GFA or footprint of 50 m <sup>2</sup>	138.3m <sup>2</sup>	88.3m <sup>2</sup>
A-078-2022	Section 3.3(f)	Height of an accessory structure	5.33m	0.33m

		cannot exceed the height of the principal building or 5m, which ever is the lesser	(existing dwelling is 5.7m)	
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**SURROUNDING LANDS:**

<b>North</b>	Single detached dwellings
<b>East</b>	Plaza (Downtown Commercial Area)
<b>South</b>	Lynn Street, single detached dwellings and accessory structures
<b>West</b>	Small Street, single detached dwellings and accessory structures

**ANALYSIS:**

<b>Site Inspection Date</b>	January 16, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Village Residential on Schedule B7 in the Town’s Official Plan which permits single detached dwellings and accessory structures on the subject property.</p> <p>The proposed detached garage is located on the eastern portion of the property of this large corner lot. Section 19.2.10 states development shall be undertaken in conformity with the residential design policies of Section 10.1. Section 10.1.41 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 garage is consistent with the existing one and two-storey buildings and structures in the area. Also, the proposed garage is in the rear yard which is preferred in Village designation as per Section 10.1.45. The lot size can accommodate the proposed garage with the lot coverage being below the maximum lot coverage for accessory structures at approximately 8.2% (vs. maximum 10%). The overall height of the garage is 5.33m which fits in with the neighbourhood and is lower to the height of the existing dwelling.</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 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. Section 3.3(b) states the GFA or footprint of an accessory building or structure shall not exceed 50m<sup>2</sup> in any Residential Zone. The proposed footprint of the detached garage is 138.3m<sup>2</sup> (88.3m<sup>2</sup> difference). 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, which exceeds 5m but is below the height of the dwelling (5.7m).</p> <p>The purpose of both provisions 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 increased footprint and increased height of the garage is to accommodate additional vehicles and</p>

	<p>trailers. The hierarchy of structures will be maintained with the garage being lower than the dwelling and being screened from view by existing mature hedging/vegetation to the north and south and by existing board fencing to the east. The vegetation screens the dwelling from Lynn Street and will also screen the proposed garage. Further, the garage is approximately 8.2% of the permitted 10% lot coverage for accessory structures and the proposal complies with all other applicable zone provisions including setbacks. With the maximum height of 5.33m and existing mature vegetation, Staff have no concerns with visual bulk and massing of the garage.</p> <p>Considering the above, the application maintains the purpose and 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"/> Yes  <input type="checkbox"/> No</p>	<p>The proposed detached garage is located in the rear yard of the subject property which abuts a plaza and associated driveway to the east, screened by existing board fencing. The proposed garage has a significant separation distance from any neighbouring structures. The variances are required due to the requirements of the maximum footprint and minor increase in height. Staff consider the variances desirable for the appropriate development of the land since the proposed use is permitted and desirable for a residential property, the garage will be screened from view by both existing hedging/vegetation and by the dwelling, and the development complies with all other zone provisions.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>Staff are of the opinion both variances could be considered minor, subject to conditions, due to the size of the lot, proposed location of the accessory structure on the property, having limited impacts to neighbouring properties, and the accessory structure meeting all other provisions of the Zoning By-law.</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:** February 9, 2023

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

**FILE/APPLICATION:** A-077 & 078-2022

**SUBJECT:** 2843 Small St.

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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)