

# **Summary of Comments**

B-004, A-007 & A-008-2023 - 1047

Fern Road



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** B-004-2023  
**RELATED APPLICATION(S):** A-007-2023 & A-008-2023  
**MEETING DATE:** March 16, 2023  
**TO:** Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment  
**FROM:** Chris Cannon  
Placemaker/Planner  
**SUBJECT:** Consent to sever 1047 Fern Road

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### PROPERTY INFORMATION:

|                          |   |
|--------------------------|---|
| <b>Municipal Address</b> | 1047 Fern Road                          |
| <b>Legal Description</b> | Plan 767 Lot 54                         |
| <b>Official Plan</b>     | Residential Low Density 1 (Schedule B3) |
| <b>Zoning By-law</b>     | Residential 1 (R1) Zone                 |

### RECOMMENDATION:

The Planning Department recommends refusal of Consent application B-004-2023.

Alternatively, if the applicant agrees to sever the lot in accordance with the minimum frontage and area provisions of the R1 Zone (into two equal halves) such that the lots are more consistent with frontages on the same street in accordance with the Official Plan Section 10.2.11, the Planning Department recommends deferral.

### CONDITIONS:

N/A

### REASON FOR APPLICATION(S):

The applicant is proposing to sever a portion of the subject lands for the purpose of creating a new lot on the east portion of the subject lands. The severed lands are proposed to have an approximate lot area of 520.23m<sup>2</sup>, whereas the Town's Zoning By-law requires a lot area of 600m<sup>2</sup> and a lot frontage of 12.19m, whereas the Town's Zoning By-law requires a lot frontage minimum of 15m.

### SURROUNDING LANDS:

|              |   |
|--------------|---|
| <b>North</b> | Fern Road and Single detached dwelling and accessory structures |
| <b>East</b>  | Single detached dwelling and accessory structures               |
| <b>South</b> | Single detached dwelling and accessory structures               |
| <b>West</b>  | Single detached dwelling and accessory structures               |

**ANALYSIS:**

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|--|--|
| <b>Site Inspection Date</b>  | February 23, 2023  |
| <b>Consistent with the Provincial Policy Statement:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No        | <p>The subject lands are located inside the “Settlement Boundary” of Lefroy as per Town Official Plan. Section 1.1.3.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion, and also states that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Section 1.1.3.3. Since the subject lands are located within the settlement area of Lefroy and represent intensification on a public street that contains single detached lots on existing municipal sanitary services, the proposal is consistent with these sections of the PPS.</p> <p>Subject to the above, the application would be consistent with the PPS.</p> |
| <b>Consistent with the Provincial Growth Plan:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No             | Lefroy is considered a settlement area as per the Growth Plan. The Growth Plan does permit limited growth in settlement areas. A minor infill of one lot is considered limited growth. Staff has determined, it is considered that this application is consistent in general with the Provincial Growth Plan policies.   |
| <b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | The subject lands are inside of a settlement area and are designated Residential Low Density 1 in the Town Official Plan, and are zoned R1. The settlement area policies of the LSPP would apply for development of the subject lands. Staff have no objection to this application per se, under the applicable settlement policies of the LSPP, as the application is a minor infill lot that would utilize existing sanitary services, and is not in the direct vicinity of key natural heritage or hydrologic features. However Staff do have concerns the consent application is not consistent with local Official Plan policy  |
| <b>Conforms with the County Official Plan:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                 | The subject lands are designated ‘Settlement’ on Schedule 5.1 of the County of Simcoe Official Plan. Section 3.5.4 states that settlement areas shall be the focus of growth and that their vitality and regeneration shall be promoted. The County Official Plan permits infill by severance in settlement areas. This application would conform to the County of Simcoe Official Plan.   |
| <b>Conforms with the Town Official Plan:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                   | <p>The area of the property is located within the Residential Low Density 1 Area of the Official Plan on Schedule B3 which permits single-detached dwellings and accessory structures.</p> <p>Section 10.2.11 requires the frontage be consistent with the average frontage on the same street within 250m. The existing frontages on Fern Road are at minimum greater than the 15m requirement. In addition, all of the lots on Fern Road meet the lot area minimum.</p>  |

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|---|---|
|   | <p>Therefore, staff are of the opinion that the proposed Consent does not conform to the policies of the Official Plan and recommend refusal. Alternatively, Staff recommend deferral if the applicant agrees to divide the lot evenly, such that both lots are more consistent with the average frontage on the same street within 250m, which would involve demolition of the existing dwelling.</p>  |
| <p><b>Complies with the Town Zoning By-law:</b><br/><input type="checkbox"/> Yes<br/><input checked="" type="checkbox"/> No</p>                         | <p>The subject lands are zoned Residential 1 (R1) Zone within the Town of Innisfil Zoning By-law No. 080-13, which permits, among other things, a single detached dwelling and accessory structures. The applicant proposes to maintain the existing dwelling on the western position of the subject lands.</p> <p>The purpose and intent of Section 4.2 a) of the Zoning By-law, is to ensure there is a consistent streetscape and consistent sized lots within a given zoned area (R1). Given the proposed Consent and supporting Minor Variances are not consistent with the existing built form on the street and would result in a very narrow and undersized lot with respect to the existing lots on Fern Road, and considering the lot area and frontage could be met by demolishing and rebuilding new homes on both lots, Staff are of the opinion that the proposed Consent and supporting variances to permit a reduced rear lot area and lot frontage do not comply with the Zoning By-law.</p> |
| <p><b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b><br/><input type="checkbox"/> Yes<br/><input checked="" type="checkbox"/> No</p> | <p>The proposed Consent has been reviewed under Section 2, 51(24) and 53(12) of the <i>Planning Act</i>. In particular, this application does not conform to the Official Plan, and there are concerns in this regard with respect to the dimension and shape of the proposed lots under 51(24).</p>  |

**CONCLUSION:**

Staff recommend refusal of application B-004-2023. Alternatively, deferral is recommended if the lots are created as equal halves, meet the minimum lot frontage and area, and are more consistent with lots on the street.

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, Supervisor of Development Acceleration



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-007-2023 & A-008-2023  
**RELATED APPLICATION(S):** B-004-2023  
**MEETING DATE:** March 16, 2023  
**TO:** Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment  
**FROM:** Chris Cannon, Placemaker/Planner, Planning Services  
**SUBJECT:** Minor Variance application A-007-2023 to permit a reduced lot area minimum. The applicant is seeking relief from Section 4.2(a) of the Zoning By-law which requires a minimum lot area of 600m<sup>2</sup>.  
Minor Variance application A-008-2023 to permit a reduced frontage minimum. The applicant is seeking relief from Section 4.2(a) of the Zoning By-law which requires a frontage of 15m.

### PROPERTY INFORMATION:

|                          |   |
|--------------------------|---|
| <b>Municipal Address</b> | 1047 Fern Road                          |
| <b>Legal Description</b> | Plan 767 Lot 54                         |
| <b>Official Plan</b>     | Residential Low Density 1 (Schedule B3) |
| <b>Zoning By-law</b>     | Residential 1 (R1) Zone                 |

### RECOMMENDATION:

The Planning Department recommends refusal of applications A-007-2023 and A-008-2023.

### REASON FOR APPLICATIONS:

The applicant is proposing to relief from Section of Zoning By-law No. 080-13 from Section 4.2 a) in order to create a new lot on the subject lands with a deficient lot frontage and lot area.

The following chart depicts the standards of Zoning By-law 080-13 and the relief sought through this application.

| Application Number | By-law Section | Requirement                        | Proposed              | Difference          |
|--------------------|----------------|------------------------------------|-----------------------|---------------------|
| A-007-2023         | 4.2 a)         | Lot area minimum 600m <sup>2</sup> | 520.203m <sup>2</sup> | 79.79m <sup>2</sup> |

|                   |        |                          |       |       |
|-------------------|--------|--------------------------|-------|-------|
| <b>A-008-2023</b> | 4.2 a) | Lot frontage minimum 15m | 12.19 | 2.81m |
|-------------------|--------|--------------------------|-------|-------|

**SURROUNDING LANDS:**

|              |  |
|--------------|--|
| <b>North</b> | Fern Road, Single-detached dwelling and accessory structures |
| <b>East</b>  | Single-detached dwelling and accessory structures            |
| <b>South</b> | Single-detached dwelling and accessory structures            |
| <b>West</b>  | Single-detached dwelling and accessory structures            |

**ANALYSIS:**

|  |   |
|--|---|
| <b>Site Inspection Date</b>  | February 23, 2023   |
| <b>Maintains the purpose and intent of the Official Plan:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                                | <p>The area of the property is located within the Residential Low Density 1 Area of the Official Plan on Schedule B3 which permits single-detached dwellings and accessory structures.</p> <p>Section 10.2.11 requires the frontage be consistent with the average frontage on the same street within 250m. The existing frontages on Fern Road are at minimum greater than the 15m requirement. In addition, all of the lots on Fern Road meet the lot area minimum.</p> <p>Therefore, staff are of the opinion that the proposed variances do not conform to the policies of the Official Plan.</p>   |
| <b>Maintains the purpose and intent of the Zoning By-law:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                                | <p>The subject lands are zoned Residential 1 (R1) Zone within the Town of Innisfil Zoning By-law No. 080-13, which permits, among other things, a single detached dwelling and accessory structures. The applicant proposes to maintain the existing dwelling on the western position of the subject lands.</p> <p>The purpose and intent of Section 4.2 a) of the Zoning By-law, is to ensure there is a consistent streetscape and consistent sized lots within a given zoned area (R1). Given the proposed Minor Variances is not consistent with the existing built form on the street and would result in a very narrow and undersized lot with respect to the existing lots on Fern Road, and considering the lot area and frontage could be met by demolishing and rebuilding new homes on both lots, Staff are of the opinion that the proposed variances to permit a reduced rear lot area and lot frontage do not meet the purpose and intent of the Zoning By-law.</p> |
| <b>The variance is desirable for the appropriate/orderly development or use of the land:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <p>The proposed lot with a reduced lot area and lot frontage is not appropriate for the area as it is proposed to be a smaller lot with a lesser lot frontage that is not consistent with the surrounding built form and will stick out from a visual perspective. It could impact surrounding residential properties as any proposed new dwelling on severed lands will not retain the character of the streetscape.</p>   |

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| <b>The variance is minor in nature:</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | Staff are of the opinion that the proposed variances for the reduced lot area and lot frontage is not minor in nature, as it is not consistent with the surrounding lots. Staff can support a severance of the subject lands if two equal lots are created which meet the lot area and frontage requirements, and are therefore consistent with the streetscape. |
|---|--|

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



**Community Development Standards Branch**

**MEMORANDUM TO FILE**

**DATE: March 8, 2023**

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

**FILE/APPLICATION: B-004-2023**

**SUBJECT: 1047 Fern Road**

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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 note that additional information (such as, but not limited to, septic review, limiting distance calculations or engineered documents, etc.) may be requested at building permit stage in order to review for compliance against the Ontario Building Code.
2. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of 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.





Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** March 8, 2023

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

**FILE/APPLICATION:** A-007 & 008-2023

**SUBJECT:** 1047 Fern Road

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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. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of 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. The proposed property line adjustment may impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).



## MEMORANDUM TO FILE

**DATE:** March 14, 2023

**FROM/CONTACT:** Thomas Steube-Chapman, InnServices

**FILE/APPLICATION:** B-004-2023 1047 Fern Road

**SUBJECT:** Severance Application for 1047 Fern Road – InnServices Comments and Conditions

**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. The existing sanitary service lateral for the subject property is located on the proposed eastern lot (proposed severed parcel). This sanitary lateral is currently servicing the existing dwelling located on the proposed western lot (proposed retained parcel). Prior to severance occurring, the existing sanitary service lateral will need to be cut and capped (temporarily abandoned) near the front property line, as this service lateral will be utilized by the proposed severed parcel. A new sanitary service lateral, from to the existing municipal sanitary main to property line will be required for the proposed retained parcel. This new sanitary service lateral will need to be constructed prior to Certificate of Official for the proposed severance.
2. Prior to submitting a Right of Way Activity Permit (RAP) to the Town of Innisfil, the Owner/Applicant shall submit an Additional Service Connection Application to InnServices to service the proposed retained parcel, complete with the applicable Additional Service Connection Application fees.
3. Prior to issuance of building permit(s) the Owner/Applicant shall have an issued RAP with The Town of Innisfil for works to be completed within the Town's road allowance in accordance with Town Standards that address, but may not be limited to, such matters as connecting a new sanitary service lateral, to the existing municipal sanitary main and restoration of the Town's road allowance. All works shall be completed to the satisfaction of the Town and InnServices.
4. As part of the RAP, the Owner/Applicant shall provide drawings, plans, cost estimates, specifications, reports, studies and certifications signed and sealed by a Professional Engineer for the proposed development that address, but may not be limited to the servicing of the proposed development to the satisfaction of the Town and InnServices.

5. The Owner/Applicant will retain a contractor to execute the installation of the services. This work may commence only after the applicant has an issued RAP with the Town of Innisfil and all fees have been paid to the satisfaction of the Town and InnServices.

**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. That the Owner/Applicant temporarily abandon the existing sanitary service located on the eastern lot (proposed severed parcel) to the satisfaction of InnServices.
2. That the Owner/Applicant construct an additional sanitary service lateral for the western lot (proposed retained parcel) to the satisfaction of InnServices.
3. That the Owner/Applicant confirm that the existing sanitary conveyance and treatment system can accommodate the required flows that will be generated by the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.

## **B-004, A-007 and A-008-2023 - 1047 Fern – Public Comments**

- 1- Moved into the area as it is a quite quaint area with large lots. Don't want it to turn into a subdivision, should be building Estate/custom homes on large lots in the area. Concerned over removing the trees that are separating the property line and the proximity and the house to the property line. Don't agree with severing the lots 60 and 40 - should be 50 and 50 frontage
- 2- Concerns with storm water and drainage
- 3- I'm the owner of the adjacent property to the west. The application does not conform to the local minimum lot frontage of the community and should not be allowed to proceed. Please deny the application. If the applicant wishes to sever the property, have them tear down the current house and sever the property into 50 foot lot frontages, which conforms to the local by-law.
- 4- With the dwellings being so close together, our concern is that there would not be adequate drainage with potential flooding considering that we are in a flood zone. Also, we are concerned with the environmental impact of removing a number of trees in this area that are at least 40-50 years old.