

## **Summary of Comments**

A-032, A-033 and A-034-2023 –  
1041 Fern Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-032-2023, A-033-2023 & A-034-2023

**MEETING DATE:** June 15, 2023

**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment

**FROM:** Chris Cannon  
Placemaker/Planner

**SUBJECT:** Minor variance applications A-032-2023, A-033-2023 and A-034-2023 seeking relief from 3.5 b) of the Zoning By-law which states that accessory dwellings are permitted to have a maximum gross floor area of 50% of the principal dwelling unit, up to a maximum gross floor area of 100 square metres, seeking relief from 3.5 j) which permits a maximum gross floor area of 50 m<sup>2</sup> for accessory dwelling units located in the rear yard and 3.5 g) which permits a maximum height of 6m.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	1041 Fern Rd
<b>Legal Description</b>	Plan 767, Lot 55
<b>Official Plan</b>	Residential Low Density 1
<b>Zoning By-law</b>	Residential 1 (R1)

### RECOMMENDATION:

The Planning Department recommends deferral of A-032-2023, A-033-2023 and A-034-2023 Minor Variance Applications requesting relief from Sections 3.5 b), j) and g) of the Town's Zoning By-law 080-13 until more information is provided with respect to the height of the principal dwelling, and further discussions are had with the applicant respecting potential reduction in the height of the ADU

Application Number	By-law Section	Proposed	Difference
A-032-2023	3.5 b) 50% of main dwelling gfa up to max. 100m <sup>2</sup>	116m <sup>2</sup> Existing dwelling 156.91/2= 80m <sup>2</sup>	+36m <sup>2</sup>
A-033-2023	3.5 j) 50m <sup>2</sup>	116m <sup>2</sup>	+66m <sup>2</sup>

<b>A-34-2023</b>	3.5 g) 6m or height of the principal dwelling	6.34m	Not provided by applicant
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#### REASON FOR APPLICATION:

The applicant is proposing to construct a three car detached garage with an accessory dwelling unit (ADU) with a ground floor area of 116m<sup>2</sup>. The applicant is seeking relief from 3.3 b) of the Zoning By-law which states that accessory dwellings are permitted to have a maximum gross floor area of 50% of the principal dwelling unit, up to a maximum gross floor area of 100 square metres. In addition, relief is requested for Section 3.5 b) in order to permit greater than a maximum gross floor area of 50 m<sup>2</sup> for accessory dwelling units located in the rear yard. Also, the applicant is seeking relief from Section 3.5 g) which permits a maximum height of 6m.

#### SURROUNDING LANDS:

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

#### ANALYSIS:

<b>Site Inspection Date</b>	May 25, 2023
<b>Maintains the purpose and intent of the Official Plan:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 in the Official Plan. The Residential Low Density 1 designation permits single detached dwellings and accessory structures including accessory dwelling units (ADUs). The proposed accessory suite will provide opportunities for affordable housing which in general meets the purpose and intent of the Official Plan. 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. Staff are requesting clarification of the height of the existing primary dwelling (measured at the midpoint of the roof), and request further discussions with the applicant in terms of height of the structure, and placement, so that the structure satisfies Section 10.1.41.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input 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, among other things, the single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>Section 3.5 b) of the Town's Zoning By-law requires a ground floor area maximum for accessory buildings of 50% of the gross floor area of the dwelling up to a maximum of 100m<sup>2</sup>, however the ADU is proposed to have a floor area of 116m<sup>2</sup>. In addition, the applicant is seeking relief from Section 3.5 j) to permit the construction of a detached garage located in the rear yard (in this case the area south of the dwelling is the rear yard as the front lot line is facing Fern Rd). The By-law only allows 50m<sup>2</sup> per rear yard ADU. Lastly, the applicant is seeking relief from Section 3.5 g) which permits a maximum height of 6m, whereas the detached garage/ADU will have a height of 6.34m. Staff are requesting the applicant to provide the height of the primary dwelling and consider lowering the height closer to the height</p>

	<p>of the dwelling, to reduce the height variance. The general intent of the Zoning By-law with respect to height is to ensure a hierarchy of built-form on the property where the primary dwelling remains the predominant structure on the lands. In this case, the ADU may be substantially taller than the dwelling, in addition to its proposed large footprint. Staff request to know the difference between the midpoint of the height of the dwelling and midpoint of the height of the ADU to understand the mathematical scale of the variance, and also request the ADU be reduced in height.</p> <p>The Zoning By-law allows for additional space and provides opportunities for affordable housing within the community without impacting the massing on the subject lands. The proposed accessory dwelling is to be located in the rear yard adjacent to Temple Ave. As the proposal is within the rear yard adjacent to Temple Avenue, it may result in less impacts with respect to visual bulk and massing. Also, it is abutting a single-detached home to the south, with no windows facing the house or immediately facing the adjacent yard, contributing to less potential privacy impacts. All other provisions of the Zoning By-law are met.</p> <p>Staff are requesting further information from the applicant to ensure the proposal maintains the general intent of the Zoning By-law in terms of height, visual bulk and massing impacts</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>As previously mentioned, the applicant is proposing to construct a three car detached garage with an ADU on the second storey above which will provide for affordable housing on the subject lands. Staff will provide further comments on the proposal at such time as the applicant provides clarification of the height of the primary dwelling as to whether it is considered that the proposal is desirable for the appropriate/orderly development and use of the land.</p>
<p><b>The variance is minor in nature:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>When further information is provided by the applicant, Staff will comment on whether the proposal to construct a detached garage with a second storey ADU with an increase size and an increase in height is determined to be minor in nature.</p>

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



**Community Development Standards Branch**

**MEMORANDUM TO FILE**

**DATE:** June 9, 2023

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

**FILE/APPLICATION:** A-032, 033, 034-2023

**SUBJECT:** 1041 Fern 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)

No comments.

MEMORANDUM TO FILE

**DATE:** June 9, 2023  
**FROM/CONTACT:** Anton Kalinin  
**FILE/APPLICATION:** A-032-2023, A-033-2023, A-034-2023 (1041 Fern Road)  
**SUBJECT:** Committee of Adjustment Applications – June 2023  
Engineering Services Review Comments

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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):

- The Applicant/Owner shall ensure that all **swales on the property** meet the requirements set out in Section 7.3 of the Town of Innisfil (“Town”) Engineering Design Standards and Specifications Manual (“Town Standards”), as amended, and shall ensure stormwater (“SWM”) runoff does not adversely affect adjacent properties.
- The Applicant/Owner shall prepare and submit **engineering design** drawings, specifications, and reports signed and sealed by a Professional Engineer for the property that address, but may not be limited to, such matters as site layout, **lot grading**, stormwater management, tree preservation and compensation for removal (refer to Town Corporate Policy CP.09-08 Tree Policy for Development Approvals and Town Standard Section 8.3.3), servicing, and LID measures, to the satisfaction of the Town and InnServices Utilities Inc. (“InnServices”).
- The Applicant/Owner shall ensure that all **driveway locations** on the property meet the requirements set out in Section 2.4.4.12.2 of the Town Standards, as amended.
- The Applicant/Owner shall enter into a **right-of-way activity permit (RAP)** prior to the issuance of building permit(s) with the Town and/or InnServices for all works completed within the Town’s road allowance, such as installation of new water and /or sanitary sewer laterals, and any changes that may be required to the existing water and/or sanitary sewer mains to service the lots. All works shall be completed in accordance with Town Standards and to the satisfaction of the Town and/or InnServices.

**Conditions 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):

- The Applicant/Owner shall prepare and submit **engineering design** drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.