

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: July 20, 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 m² for accessory dwelling units located in the rear yard and 3.5 g) which permits a maximum height of 6m.

PROPERTY INFORMATION:

Municipal Address	1041 Fern Rd
Legal Description	Plan 767, Lot 55
Official Plan	Residential Low Density 1
Zoning By-law	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 some design changes are proposed so that the height of the ADU is 6m or less.

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

A-34-2023	3.5 g) 6m or height of the principal dwelling	6.34m 5.09m (principal dwelling)	If ADU = 6m 0.91m
------------------	---	-------------------------------------	----------------------

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 116m². 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 m² 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:

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

ANALYSIS:

Site Inspection Date	May 25, 2023
Maintains the purpose and intent of the Official Plan: <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 requested clarification of the height of the existing principal dwelling (measured at the midpoint of the roof), which has been provided, which satisfies Section 10.1.41. If the accessory dwelling is reduced to 6m height or less, Staff can support that the structure, as accessory, does not dominate the subject lands in terms of built form hierarchy and the principal dwelling being the primary structure. If the roof height of the proposed ADU is reduced to 6m, Staff are of the opinion the structure meets the purpose and intent of the Official Plan.</p>
Maintains the purpose and intent of the Zoning By-law: <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 100m², however the ADU is proposed to have a floor area of 116m². 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 50m² per rear yard ADU. Lastly, the applicant</p>

	<p>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 (although it appears the proposed height would be 7m). Staff note generally speaking if a dormer is more than about 50% of the length of a dwelling, the midpoint from the top of the dormer (eaves) to the roof peak is counted as height, not the midpoint from the eaves of the first floor to the roof peak, as the dormer generates larger visual bulk and massing, like a second floor wall. The back dormer appears to be most of the length of the dwelling and therefore Staff would interpret the height as 7m (23ft). The primary dwelling height is 5.09m, therefore staff are requesting the condition that the height of the ADU be 6m. 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 will not be substantially taller than the dwelling.</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 would be satisfied that the proposed variances meet the purpose and intent of the Zoning By-law if the height is reduced to 6m. Deferral is requested so Planning Staff can review revised elevations.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <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 are requesting a condition that the ADU height be reduced to 6m. Given the height of the primary dwelling is only 5.09m, if the applicant complies with the updated 6m maximum roof height of the ADU the proposal would be considered desirable for the appropriate/orderly development and use of the land, as it would be closer in height to the dwelling.</p>
<p>The variance is minor in nature: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>With the requested revisions to the height of the ADU to 6m, 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. However as stated, Planning Staff would request revised elevation drawings before supporting a 6m height ADU.</p>

PREPARED BY:

Chris Cannon, Placemaker/Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration

MEMORANDUM TO FILE

DATE: July 14, 2023
FROM/CONTACT: Anton Kalinin
FILE/APPLICATION: A-032-2023, A-033-2023, A-034-2023 (1041 Fern Road)
SUBJECT: Committee of Adjustment Applications – July 2023
Engineering Services Review Comments

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.



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.

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)

No comments.