

# **Summary of Comments**

A-011 and A-012-2024 -  
1041 Fern Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-011-2024 & A-012-2024  
**MEETING DATE:** May 16, 2024  
**TO:** Toomaj Haghshenas  
Secretary Treasurer Committee of Adjustment  
**FROM:** Darren Ding  
Development Planner  
**SUBJECT:** Minor variance applications A-011-2024 and A-012-2024 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 50 m2 to 117.05 m2 and from Section 3.3 a) which permits a maximum total lot coverage of 10% for accessory structures in residential zones.

### 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 (Schedule B3)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-011-2024 and A012-2024, subject to the following condition(s):

#### Condition(s):

- 1.) That the owner provide confirmation the detached garage is in compliance with Section 3.3 f) of the Town's Zoning By-law or that a minor variance application be applied for to the Committee of Adjustment for the increased height.

### REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage with a footprint of 117.05 m2 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 b) of the Zoning By-law, which requires a maximum gross floor area (GFA) or footprint of 50 m2, and from Section 3.3 a), which permits a maximum total lot coverage of 10% for accessory structures in residential zones.

<b>Application Number</b>	<b>By-law Section</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Difference</b>
A-011-2024	Section 3.3 b)	Maximum GFA or footprint of 50 m2	Footprint 117.05m2	67.05m2

<b>A-012-2024</b>	Section 3.3 a)	Maximum 10% for the total lot coverage of detached accessory buildings and structures	11.18%	1.18%
-------------------	----------------	---	--------	-------

**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 and accessory structures
<b>West</b>	Single-detached dwelling and accessory structures

**ANALYSIS:**

<p><b>Maintains the purpose and intent of the Official Plan:</b>  <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. The lot size can generally accommodate the proposed garage with the lot coverage being slightly above the maximum lot coverage for accessory structures at approximately 11.18% (vs. maximum 10%).</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><b>Maintains the purpose and intent of the Zoning By-law:</b>  <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 b) states the GFA or footprint of an accessory building or structure shall not exceed 50 m2 in any Residential Zone. The proposed footprint of the detached garage is 117.05 m2 (67.05 m2 difference). Section 3.3 a) states that the total lot coverage of detached accessory buildings and structures (including detached decks, detached private garages and other accessory buildings and structures) shall not exceed 10% of the lot area. The proposed lot coverage for all detached accessory structures is 11.18% (or 140.92 m2).</p> <p>The purpose of both provisions is to ensure the hierarchy of structures is maintained on the property, to reduce visual bulk and massing of</p>

	<p>structures on the property, to ensure sufficient landscaped open space and amenity space, and to reduce run-off.</p> <p>The hierarchy of the proposed garage will be maintained with the garage being lower than the dwelling and being in the rear yard of this corner lot. Further, the garage meets all setback requirements. As the proposal is within the rear yard adjacent to Temple Avenue at a similar setback to the dwelling on a relatively large lot (approx. 1286m<sup>2</sup>), it results in less impacts with respect to visual bulk and massing. Amenity space is still provided in the rear yard. Additionally, the landscaped open space in the exterior side yard exceeds the minimum 40% required by 3.35.2 k) based on the proposed driveway. Given the above, Staff are of the opinion that the proposal maintains the general intent of the Zoning By-law.</p> <p>However, staff note that the overall height of the garage is approximately 5.1m (to the mid-point of the gabled roof) which is lower than the dwelling but exceeds 5m. In accordance with Section 3.3 f) of the Zoning By-law, accessory structures cannot exceed the height of the principal building on the lot or 5.0m, whichever is the lesser, which relates to the regulation of hierarchy of structures on a property and visual bulk and massing. Therefore, Staff are requesting the applicant to clarify the height of the proposed garage. If Section 3.3 f) cannot be reasonably met, a minor variance is required for the increased height.</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 on the south side of the property in the rear yard. Further, the proposed garage takes advantage of an existing second driveway/entrance and would extend and widen it, resulting in limited impacts to neighbouring properties since it is one-storey and meets all setback requirements. The variances are required due to the requirements of the maximum footprint and lot coverage for detached accessory structures, and potentially minor increase in height. The increases in the footprint and lot coverage are compatible with the surrounding uses. It is Staff's opinion that the proposed two variances are desirable for the appropriate/orderly development and use, subject to the condition(s).</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 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> <p>When further information is provided by the applicant about height, Staff will comment on whether the proposal to construct a detached garage with an increase in height is determined to be minor in nature, which is a recommended condition. Staff can likely support a 5.1m height subject to further justification of why it is required, however a variance would be required. Staff's preference is the garage is 5.0m and no taller than the dwelling (3.3.f), which would meet the height requirement of the Zoning By-law.</p>

**PREPARED BY:**

Darren Ding  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** May 10, 2024

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

**FILE/APPLICATION:** A-011 and 012-2024

**SUBJECT:** 1041 Fern Ave

---

**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)

1. No comments.