



Report Committee of Adjustment

Filing Date: November 13, 2023

Hearing Date: December 19, 2023

File: A-2023-0366

**Owner/
Applicant:** 274216 ONTARIO INC., C/O PEARL VALLEY HOMES

Address: 139 Antibes Drive

Ward: WARD 5

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2023-0366 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That drainage on adjacent properties should not be adversely affected; and
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Semi-detached A (1) (R2A(1))', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an interior side yard setback of 0.9m (2.95 ft.) to a proposed single detached dwelling whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.) to an Open Space (OS) zone.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/ Medium Density Residential ' in the Mount Pleasant Secondary Plan (Area 51). The requested variance is not considered to have significant impacts within the context of the Official Plan policies. The requested variance is considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit an interior side yard setback of 0.9m (2.95 ft) to a proposed single detached dwelling whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft) to an Open Space (OS) zone. The intent of the by-law in regulating side yard setbacks is to ensure that sufficient space is maintained between structures and property lines and to allow for drainage and access to the rear yard. In addition, as the residential property abuts an Open Space zone, the setback is in place to ensure the protection of environmental features and safety of community members. Submitted drawings from the applicant did not indicate that additional homes would be built to the north of the home, limiting concern for trespassing on neighbouring property. Staff are of the opinion that the proposed reduction is not significant and sufficient access is provided on both sides of the home. Subject to the conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance seeks to permit an interior side yard setback of 0.9m (2.95 ft) to a proposed single detached dwelling whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft) to an Open Space (OS) zone. The open space area to the north of the property cannot be developed as this will operate as an environmental buffer between the lots that are being built by Pearl Homes and the existing lots further to the north of the site constructed by Ballantry Homes. Directly to the north of this property will be a walkway leading to a ravine and adjacent to this is a pathway that is parallel to the tree line, offering a linkage to new and existing trails for members of the community. The walkway will intend to make upgrades to the aesthetic and offer a seamless transition area to the abutting environmental area, promoting a connected open space system and encouraging healthy living. Subject to the recommended condition of approval, the requested variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

Staff are of the opinion that the reduced side yard setback of 0.3m (0.98 ft) will not have a major impact on the development of the community. As the builder is making upgrades from the standard that needs to be met for homes abutting an Open Space zone, they will need to reduce the setback. As no homes will be built to the north of the property, Staff do not have concerns about the need for the residents to encroach on a neighbour's property in order to access their rear yard. No negative impacts to drainage or access are anticipated. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ellis Lewis". The script is cursive and fluid.

Ellis Lewis, Assistant Development Planner

Appendix A:

