



Report Committee of Adjustment

Filing Date: August 16, 2022
Hearing Date: December 10, 2024

File: A-2022-0268

**Owner/
Applicant:** MOHAMMAED ILYAS

Address: 2257 & 2267 Embleton Road

Ward: WARD 6

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2022-0268 be deferred no later than the last hearing of December 2025.

Background:

The subject lot consists of two properties 2257 and 2267 Embleton Road. The application proposes to facilitate the development of the lands for a private school and day nursery. The minor variance application was previously deferred at five different occasions (September 13, 2022, March 28, 2023, December 19, 2023, April 23, 2024, and June 18, 2024) in order to provide the applicant sufficient time to submit a Site Plan application to facilitate the development of the school. The applicant previously had a pre-consultation meeting (PRE-2022-0045) for the subject properties proposing a two storey private school building. A Site Plan application has been received by the City (SPA-2023-0064).

Existing Zoning:

The property is zoned 'Residential Hamlet One (RHM1)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a Day Nursery whereas the by-law does not permit the use;
2. To permit 40% of the required front yard to be landscaped open space whereas the by-law requires a minimum 70% of the required front yard to be landscaped open space;

3. To permit a front yard setback of 8.0m (22.25 ft.) whereas the by-law requires a front yard setback of 12.0m (24.60 ft.);
4. To permit a side yard setback of 6.0m (19.68 ft.) whereas the by-law requires a side yard setback of 7.5m (24.60 ft.);
5. To permit a building height of 12.0m (24.60 ft.) whereas the by-law permits a maximum building height of 10.0m (32.80 ft.).

Current Situation:

The applicant is proposing to construct a two-storey private school and day nursery for students from pre-school to grade eight as well as students in grade nine to grade twelve. The application was previously deferred at the September 13, 2022, March 28, 2023, December 19, 2023, April 23, 2024, and June 18, 2024 Committee of Adjustment hearings in order to provide the applicant sufficient time to submit a Site Plan application to facilitate the development of the school and address Staff comments.

A Site Plan application has been submitted by the applicant for a two-storey private school and day nursery. City Staff have provided feedback on the submitted site plan application and require further revisions. The applicant is currently addressing these comments and the revisions might not necessitate a minor variance application.

Staff are recommending a deferral of the application to a date no later than the last hearing of December 2025 to allow sufficient time for the applicant to provide further information and for staff to review and provide additional feedback as necessary. Staff have discussed the above noted matters with the applicant and will be working closely with them to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I