



Report Committee of Adjustment

Filing Date: August 5, 2021
Hearing Date: August 24, 2021

File: A-2021-0176

**Owner/
Applicant:** TAKOL CMCC RUTHERFORD GP INC.

Address: 286 Rutherford Road South

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0176 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2020-0120, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That through the site plan approval process, the owner shall provide appropriate landscaping to soften the appearance of the utility equipment; and,
 4. 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 'Industrial Two (M2)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum rear yard setback of 7.0m (22.97 ft.).

Current Situation:

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

The property is designated 'Industrial' in the Official Plan and 'General Employment 2' in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variance to reduce the rear yard setback for a hydro transformer has no impact within the context of the Official Plan policies. Subject to the recommended conditions of approval, 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 a rear yard setback of 3.0m (9.84 ft.) to a hydro transformer whereas the by-law requires a minimum rear yard setback of 7.0m (22.97 ft.). The intent of the by-law in regulating the minimum rear yard setback is to ensure that appropriate separation between the building and property line is maintained.

In this case, the owner wishes to install a new hydro transformer on the property. The existing building maintains the 7.0m (22.97 ft.) rear yard setback and no changes to are proposed. The location of the hydro transformer is not anticipated to negatively impact the functionality of the site or generate adverse impacts off-site. Subject to the recommended conditions of approval, the 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 request to allow a reduced setback to accommodate a hydro transformer will not create any adverse impacts to the area, and provided that it is screened with appropriate landscaping, the reduced setback will not negatively affect the streetscape facing Hale Road. A condition is recommended that through the site plan approval process, the owner shall provide appropriate landscaping to soften the appearance of the utility equipment. Subject to the recommended condition, the variance is desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions of approval, the request for a reduction in the rear yard setback to accommodate a hydro transformer has no impact and is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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