

Filing Date: August 20, 2020

Hearing Date: September 29, 2020

File: A-2020-0070

**Owner/
Applicant:** Scottish Heather Development Inc. - Stephen Safranyos

Address: Banner Elk Street

Ward: 6

Contact: Noel Cubacub, Assistant Development Planner

Recommendations:

That application A-2020-0070 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 Public Notice;
2. That a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance(s) affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

It shall be noted that the property in which this variance is requested for is currently being prepared for development. As such there are currently no existing structures located on Banner Elk Street.

Existing Zoning:

The property is zoned "Residential Single Detached D – Special Section 2429 (R1E-2429)" 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 6.44m (21.13 feet) whereas the by-law requires a rear yard setback of 7.5m (24.60 feet).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low and Medium Density Residential' in the Bram West Secondary Plan (SPA 40d). The Residential designation supports the current use and the variance has no significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions, maintain the general purpose and intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The requested variance is seeking to reduce the minimum rear yard setback to 6.44m (21.13 feet) from 7.5m (24.60 feet). The intent of requiring a 7.5m rear yard in the Zoning By-law is to ensure that there is sufficient amenity area in the rear yard. In this case, while the requested rear yard reduction will reduce the size of the rear yard, there will still be sufficient amenity area in the rear yard. As a result, subject to the recommended conditions of approval the intent of the Zoning By-law is maintained.

3. Desirable for the Appropriate Development of the Land

The requested variance is not anticipated to create any adverse impacts on the subject property or on the neighbouring properties. The rear yard will remain an adequate size to provide a functional amenity space for the house. A condition of approval is recommended that a clause be included within the Agreement of Purchase and Sale for the subject lot advising of the variance affecting the property. In the event the lot has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the lot acknowledge and accept the variance currently existing and ensuring transparency of previous work conducted on the property.

As a result, subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The proposed rear yard setback reduction is not anticipated to negatively impact the subject property or the neighbouring properties. The requested variance is not anticipated to have major functional impacts on the site. As a result, subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Assistant Development Planner