

Filing Date: September 16, 2020

Hearing Date: October 20, 2020

File: A-2020-0087

**Owner/
Applicant:** WINDY HILL PROPERTIES INC

Address: 2 Midmorning Road

Ward: 6

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0087 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 advising of the variances affecting the property. In the event the property has been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser acknowledges and accepts the variances; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:**Existing Zoning:**

The property is zoned "Residential Single Detached E-11.6 (R1E-11.6-2505)" 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 0.71m (2.33 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.)

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated as "Residential" in the Official Plan and "Village Residential" in the Huttonville Secondary Plan (Area 29). The proposed variance has no significant impacts 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 of the Official Plan.

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

Variance 1 is to permit an interior side yard setback of 0.71m (2.33 ft.) whereas the by-law requires a minimum interior side yard setback of 1.2m (3.94 ft.). The intent of the by-law in regulating minimum required interior side yard is to ensure that sufficient area is maintained for drainage and access to the rear yard. In the case of the subject property it is a corner property which provides access to the rear yard on the adjacent side. Additionally, the proposed reduced setback is anticipated to provide sufficient area for drainage. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to facilitate the construction of a single detached dwelling on the subject property. The requested reduced setback will provide sufficient space for drainage and separation between the dwellings. 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 requested variance is not anticipated to negatively impact drainage and access to the rear yard is maintained on the adjacent side of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development