



Report Committee of Adjustment

Filing Date: March 24, 2021
Hearing Date: April 20, 2021

File: A-2021-0078

**Owner/
Applicant:** Lakepath Holdings INC.

Address: 11 Loafer's Lake Lane

Ward: 6

Contact: Xinyue (Jenny) Li, Planner 1

Recommendations:

That application A-2021-0078 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 property (*11 loafers lake lane*) 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

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 Special Section (R2E-2905)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances associated with a proposed semi-detached dwelling:

1. To permit a rear yard setback of 4.02m (13.19 ft.) whereas the by-law requires a minimum rear yard setback of 6.0m (19.68 ft.);
2. To permit a rear yard encroachment of 3.44m (11.29 ft.) resulting in a rear yard setback 2.56m (8.39 ft.) to a proposed deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft.) resulting in a rear yard setback of 3.0m (9.84 ft.) to the proposed deck.

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential and Open Space' in the City Official Plan and 'Medium/High Density Residential' (Special Site Area 4) in the Snelgrove Heart lake Secondary Plan (Area 1).

The requested variances are not considered to have significant impacts within the context of the Official Plan. The requested variances are considered to maintain the general intent of the Official Plan.

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

The property is zoned Residential Special Section (R2E-2905)', according to By-law 270-2004, as amended.

Variance one is to request a rear yard setback of 4.02m whereas the bylaw requires a rear yard setback of 6.0m. Variance two is to request a rear yard encroachment of 3.44m resulting in a rear yard setback 2.56m to a proposed deck whereas the by-law permits a maximum rear yard encroachment of 3.0m (9.84 ft.) resulting in a rear yard setback of 3.0m (9.84 ft.) to the proposed deck.

The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. The proposed minor variances will still provide sufficient amenity spaces on the deck and at the rear yard with the spaces adjacent to the deck. Subject to the recommended conditions of approval, the variance is considered to maintain the general intent of the Zoning by-law.

3. Desirable for the Appropriate Development of the Land

The variances are to permit a reduced rear yard setback and a rear yard encroachment resulting in a reduced rear yard setback to a proposed deck. The reduced rear yard

setback of 4.02m and a rear yard encroachment resulting in a reduced rear yard setback to a proposed deck of 2.56m will still provide sufficient rear yard amenity space for the property and at the rear yard with the spaces adjacent to the deck. 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 variances to permit a reduced rear yard setback of 4.02m and a rear yard encroachment resulting in a reduced rear yard setback to a proposed deck of 2.56m still provide sufficient amenity spaces at the rear yard and deck. The requested variances are considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny', with a stylized, flowing script.

Xinyue (Jenny) Li,
Planner I, Development Services