



Report Committee of Adjustment

Filing Date: July 5, 2022
Hearing Date: August 2, 2022

File: A-2022-0209

**Owner/
Applicant:** PARIDISE HOMES NW INC.

Address: Southeast Corner of Mayfield Road and Veterans Drive

Ward: WARD 6

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0209 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The property is subject to an ongoing Site Plan Application (SPA-2022-0011) to facilitate the construction of a commercial plaza. The purpose of the Minor Variance application is to seek relief of deficiencies relating to the building setback and open landscape strips that were identified through the Site Plan review.

Existing Zoning:

The property is zoned 'Commercial One (C1-2958)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a building setback of 0.8m (2.62 ft.) to any lot line abutting a street or daylight triangle whereas the by-law requires a minimum building setback of 3.0m (9.84 ft.) wide landscape strip along all property lines;
2. To permit a 0.8m (2.62 ft.) wide landscape strip along all property lines whereas the by-law requires a minimum of 3.0m (9.84 ft.) wide landscape strip along all property lines.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Convenience Retail', 'Mixed Use Area' and "Special Policy Area 6' in the Mount Pleasant Secondary Plan (Area 51). The applicant is requesting two variances relating to building setback and landscape open space reductions to facilitate the construction of a commercial plaza. The requested variances are compatible with the policies of the Official Plan and maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a building setback of 0.8m (2.62 ft.) to any lot line abutting a street or daylight triangle whereas the by-law requires a minimum building setback of 3.0m (9.84 ft.) wide landscape strip along all property lines. The intent of the by-law in regulating minimum building setback requirements from a street or daylight triangle is to control the massing of the building, to ensure that there are adequate areas for landscaping, parking and the maneuvering of vehicles around the property with no impact to sightlines.

Variance 2 is requested to permit a 0.8m (2.62 ft.) wide landscape strip along all property lines whereas the by-law requires a minimum of 3.0m (9.84 ft.) wide landscape strip along all property lines. The intent of providing a 3.0m (9.84 ft.) wide landscape open space area along any lot line is to ensure that a high quality streetscape is provided along property lines.

The proposed development is planned in a manner which allows for a street oriented design by positioning the buildings in close proximity to the property line and street intersections. Although reductions to the building setbacks are requested to several lot lines, the remaining area is not anticipated to negatively impact the safety of the site by limiting sightlines as there is sufficient area between the building and street. The overall layout of the commercial plaza and position of the buildings are designed to limit functional impacts to parking or maneuvering of vehicles on site. Although a variance is requested to reduce the width of the provided landscape strip along property lines, the development will provide a high quality streetscape. Additional landscaped open space is provided off-site between the property lines and the streets surrounding the development. Through the related Site Plan application, enhanced planting will be provided to supplement for the reduced landscape strips on-site. The variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The lands are the subject of an ongoing Site Plan Approval application (SPA-2022-0011) which is nearing completion. The applicant is requesting variances to facilitate the development of a commercial plaza. The variances are intended to facilitate the proposed site layout for which the buildings are street oriented. No negative impacts are anticipated with regards to site functionality or streetscape as a result of the variances. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision. Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The first variance is to permit a reduced building setback to any lot line abutting a street or daylight triangle. The second variance is to permit a reduced landscape strip along all property lines. These variances are not anticipated to change the nature of the proposed commercial development or negatively impact the adjacent properties. The development will continue to provide sufficient landscaped area and appropriate separation between buildings and streets will be maintained to ensure safety. The variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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