



Report Committee of Adjustment

Filing Date: July 15, 2022
Hearing Date: August 23, 2022

Files: A-2022-0216 through to A-2022-0225

**Owner/
Applicant:** CHERRYLAWN ESTATES INC.

Address: 112, 114, 116, 118, 120, 122, 124, 125, 126, & 138 ANTIBES DRIVE

Ward: WARD 9

Contact: François Hémon-Morneau, Planner III

Recommendations:

That applications A-2022-0216 through to A-2022-0225 are supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance; and,
 3. 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 'Residential Single Detached 1 (R1E-11.6-2250)', according to By-law 270-2004, as amended.

Requested Variance:

A-2022-0216 through to A-2022-0223 proposes the following:

1. To permit a rear yard setback of 6.30m (20.67 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

A-2022-0224 and A-2022-0225 proposes the following:

1. To permit a lot depth of 29.4m (96.46 ft.) whereas the by-law requires a minimum lot depth of 30m (98.42 ft.).

Current Situation:

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

The subject property is designated 'Residential' in the Official Plan and 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). The requested variances to reduce the rear yard setback and lot depth are of no impact within the context of the policies of the Official Plan. The general intent and purpose of the Official Plan is maintained.

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

Variances are requested for applications A-2022-0216 through to A-2022-0223 to permit a rear yard setback of 6.30m (20.67 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.). 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 applicant is proposing to develop seven lots for single detached dwellings with reduced rear yard setbacks. A reduction of 1.2m (3.93 ft.) to the rear yard setback is requested from what the by-law requires. The lots back onto open space land and the reductions are primarily due to the size of the lots being dictated by the curvature of the road. Although a reduction to the rear yard setback is requested, the remaining rear yard area is not anticipated to significantly limit the area provided for amenity space. The variances are considered to maintain the general intent and purpose of the Zoning By-law with respect to applications A-2022-0216 through to A-2022-0223.

Variances are requested for applications A-2022-0224 and A-2022-0225 to permit a lot depth of 29.4m (96.46 ft.) whereas the by-law requires a minimum lot depth of 30m (98.42 ft.). The intent of the by-law in requiring a minimum lot depth is to ensure that the property is appropriately sized to accommodate the residential dwelling.

The applicant is proposing to develop two lots for single detached dwellings with a reduced lot depth. The proposed lot depth will be 0.6m (1.97 ft.) less from what the by-law permits. The lots back onto open space land and the reductions to the lot depth are primarily due to the size of the lots being dictated by the curvature of the road. The lot depth reduction is not anticipated to negatively impact the property and will be adequately sized to accommodate the residential dwellings. The variances are considered to maintain the general intent and purpose of the Zoning By-law with respect to applications A-2022-0224 through to A-2022-0225.

3. Desirable for the Appropriate Development of the Land

Variances are requested to allow reductions to the rear yard setback for seven lots and reductions to the lot depth for two lots. The variances will facilitate the development of single detached dwellings. A condition of approval is recommended that a clause be provided within the agreement of purchase and sale advising of the variance affecting the property. If the property has already been sold, the applicant shall provide written confirmation to the Secretary-Treasurer that the purchaser(s) of the dwelling have acknowledged and accepted the variance. Subject to the recommended conditions of approval, the variances related to applications A-2022-0216 through to A-2022-0225 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances will facilitate the construction of future single detached dwellings by allowing reductions to the rear yard setback and lot depth. No adverse impacts are anticipated as a result of the variances. Subject to the recommended conditions of approval, the variances are considered minor in nature with respect to applications A-2022-0216 through to A-2022-0225.

Respectfully Submitted,

François Hémon-Morneau

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