



Report Committee of Adjustment

Filing Date: July 24, 2022
Hearing Date: August 23, 2022

File: A-2022-0239

**Owner/
Applicant:** MAYFIELD ARCADEIUM HOLDINGS LTD.

Address: 6445 Mayfield Road

Ward: WARD 10

Contact: François Hémon-Morneau, Planner III

Recommendations:

That application A-2022-0239 is 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 limited site plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services;
 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:

The property is located at the southwest corner of Mayfield Road and Goreway Drive and is related to an approved Site Plan Approval application (SP19-040.000) and ongoing Condominium application (DPC-2022-0004) to facilitate the construction of a commercial plaza. The purpose of the Minor Variance application is to seek reduction to a building setback along the easterly property line to accommodate the location of an as-built garbage enclosure utility room.

Existing Zoning:

The property is split-zoned 'Commercial One (C1-2942)' and 'Open Space (OS-2943)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a building setback of 1.3m (4.27 ft.) to the easterly side property line whereas the by-law requires a minimum building setback of 1.5m (4.92 ft.) to the easterly side property line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Neighbourhood Retail' in the vales of Castlemore North Secondary Plan (Area 49). The applicant is requesting a variance relating to building setback reduction to facilitate the construction of a commercial condominium plaza. The requested variance is 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**

The variance is requested to permit a building setback of 1.3m (4.26 ft.) to the easterly side property line whereas the by-law requires a minimum building setback of 1.5m (4.92 ft.) to the easterly side property line. The intent of the by-law in regulating minimum building setback requirements 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.

The variance is requested to allow the location of an existing 56.81 sq. m (612.57 sq. ft.) garbage enclosure utility room which was constructed 0.20m (0.65 ft.) closer to the property line from what the by-law permits. Despite the requested building setback reduction, the location of the building is not anticipated to negatively impact landscaping, parking or the orderly functioning of the property. The variance is 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 approved Site Plan Approval application ((SP19-040.000) and ongoing Condominium application (DPC-2022-0004) to facilitate the construction of a commercial plaza. The applicant is requesting a variance to allow the location of an as-built garbage enclosure utility room that was constructed with a reduced building setback. The variance is intended to allow a minor reduction to the building setback. No negative impacts are anticipated with regards to site functionality or the streetscape as a result of the variance. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision. An additional condition is recommended that a limited site plan application shall be submitted within 90 days of the Committee's decision or within an extended period of time as approved by the Director of Development Services. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. **Minor in Nature**

The variance is to permit a reduced building setback to the easterly lot line as it relates to an as-built garbage enclosure utility room. The variance is not anticipated to change the nature of the commercial development or negatively impact adjacent properties. The development will continue to provide sufficient landscaped area and appropriate separation between buildings and streets will be maintained. The variance is considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner III