



Report Committee of Adjustment

Filing Date: December 15, 2022

Hearing Date: January 24, 2023

File: A-2022-0389 through to A-2022-0393

**Owner/
Applicant:** MAYFIELD (RCH) PROPERTIES INC / DAVID DYCE HUIE (RN DESIGN LTD)

Address: 4, 8 and 6 Kessler Drive

Ward: WARD 9

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2022-0389 through to A-2022-0393 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 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 F Special Section 2367 (R1F-13-2367)', according to By-law 270-2004, as amended.

Requested Variances:

A-2022-0389 (6 Kessler Drive) and A-2022-0390 (8 Kessler Drive) proposes the following variance:

1. To permit a rear yard setback of 7.38m (24.22 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.);

A-2022-0391 (4 Kessler Drive) proposes the following variance:

1. To permit a rear yard setback of 7.40m (24.28 ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.)

A-2022-0392 (4 Kessler Drive) proposes the following variance:

1. To permit a rear yard setback of 7.20 (23.62 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

A-2022-0393 (8 Kessler Drive) proposes the following variance:

1. To permit a rear yard setback of 7.41m (24.31ft.) whereas the bylaw requires a minimum rear yard setback of 7.5m (24.60 ft.)

Current Situation:

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

The subject properties are designated as 'Residential' in the Official Plan and 'Low Density Residential' in the Countryside Villages Secondary Plan (Area 48b). The requested variances to reduce the rear yard setback are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

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

The variances are requested for applications A-2022-0389 through to A-2022-0393 are to permit a rear yard setback ranging from 7.20 (23.62 ft.) to 7.41 (24.31 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 sufficient space area is provided for the rear yard amenity area for the property.

The applicant is proposing to develop 3 lots (4, 6 and 8 Kessler Drive) for single detached dwellings with reduced rear yard setbacks. A reduced range of 0.10m-0.30m (0.32ft-0.98ft.) is requested from what the by-law requires. As a result of the configuration (pie shaped) of the lots, the side lot lines converge towards the front and left (northern) side of the lots. Although a reduction to the rear yard setback is requested, the remaining rear yard area is not anticipated to significantly limit the area provide for amenity space. 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 variances are requested to allow reductions to the rear yard for three lots. The variances will facilitate the development of single detached dwellings. Due to the size of the properties, the reduced setback at the rear yard of the property is not anticipated to negatively impact the outdoor amenity area provided on the property. 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-2022-0389 through to A-2022-0393 are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a reduced rear yard setback is not anticipated to negatively impact the provision of the outdoor amenity space on the subject properties and will facilitate the configuration of a future residential lots. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician