

2023-09-01



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 790 Bayview Drive
Legal Description: Lot 40, Registered Plan 424, Torbolton
File No.: D08-02-22/A-00204
Report Date: August 31, 2023
Hearing Date: September 5, 2023
Planner: Jack Graham
Official Plan Designation: Village
Zoning: V1H[350r] – Village Residential First Density Zone, Subzone H, Exception 350

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The subject site is designated as Village and zoned as V1H[350r] – Village Residential First Density Zone, Subzone H, Exception 350. The applicant originally submitted an application in July 2022, heard on August 17, 2022. At the time, staff had significant concerns with the application and recommended an adjournment *sine die* to address the concerns.

Staff noted concerns with the requested lot coverage, and requested that a Stormwater Management Brief be submitted if the applicant wishes to seek a variance for the increased lot coverage. The applicant has reduced the footprint of the proposal and is no longer requesting a variance for lot coverage, therefore no Stormwater Management Brief was required or submitted.

Staff waived the requirement for an Environmental Impact Study (EIS), as long as a planting plan be included on the submitted plans. The applicant has included a planting plan as requested, so the application meets the naturalization requirements of the Official Plan.

The requested variance is to permit a reduced setback from the watercourse, from 30 metres to 19.9 metres. Section 4.9.3 Policy 2 states that development shall not be approved within 30 metres of a watercourse. Policy 7 outlines the requirements for exceptions to Policy 2, which include City and Conservation Authority coordination to permit the reduced setback, that the area between the structure and the watercourse be naturalized, and that buildings are located to an area that improves the existing setback, to the greatest extent possible. It is staff's opinion that all of the above-noted requirements have been met.

In summary, the previous concerns have been addressed by the applicant, staff believe that the requested variance is minor, is appropriate for the development of the property, and conforms with the general intent of the Official Plan and Zoning By-law.



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