



Direct Control Amendment Item: Residential

Electoral Division: 2

File: PL20230043 / 05708013

Date:	March 4, 2025
Presenter:	Maureen Nolan, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is for Council to assess a site-specific amendment to *Direct Control Bylaw C-6688-2008* (DC-129) to allow the existing dwelling with a covered deck to have a minimum northern side yard setback of 1.38 metres (4.53 feet) while allowing for eaves to project 0.30 metres (0.98 feet), instead of the required 3.35 metres (11.00 feet) on one side and a minimum southern side yard setback of 1.52 metres (4.99 feet), instead of the required 1.53 metres (5.02 feet) on one side on the subject lands (Attachment A). The proposed site-specific amendment represents a 58.81% reduction in the northern side yard setback requirement and a 0.65% reduction in the southern side yard setback requirement. The covered deck was not shown on the drawings submitted for the Building Permit for the dwelling.

The subject parcel is located outside of an area structure plan; as such, the application was evaluated in accordance with the policies and regulations of the Municipal Development Plan (County Plan), Harmony Conceptual Scheme (Harmony CS), and *Direct Control Bylaw C-6688-2008* (DC-129).

The application was found to be inconsistent with the vision and guiding principles of the Harmony CS and the regulations and intent of Section 3.17.0 and Section 8.5.1 of DC-129, as the site is not in compliance with the minimum side yard setback requirement for a principal building and the proposed reduction to the minimum northern side yard setback requirement exceeds the Development Authority's maximum of 25% variance power in DC-129. Administration does not support the application as it proposes a significant reduction to the minimum northern side yard setback requirement.

If Council determines that the application would align with the overall intent of DC-129, Administration has provided for alternative direction at the end of this report.

ADMINISTRATION'S RECOMMENDATION

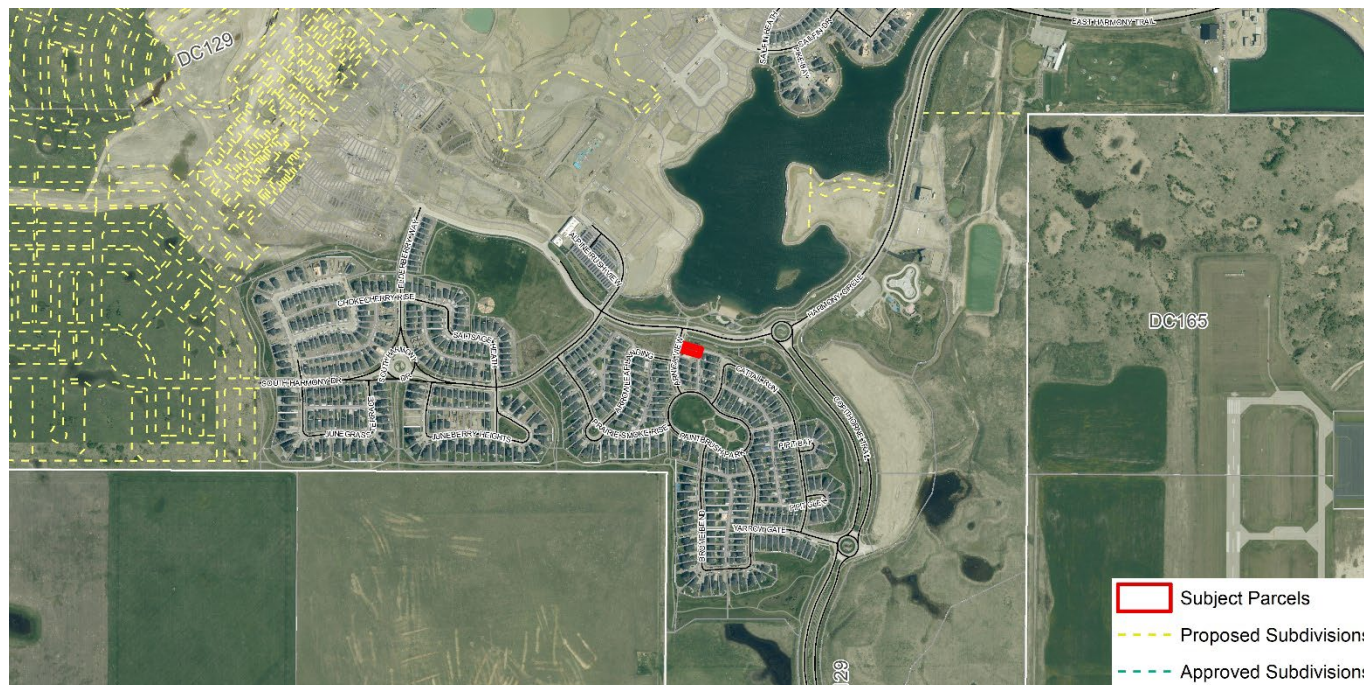
THAT application PL20230043 be refused.

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BACKGROUND

Location (Attachment A)

Located in the Hamlet of Harmony, approximately 1.61 kilometres (1.00 mile) east of Range Road 40, approximately 0.20 kilometres (0.13 miles) south of Harmony Circle, and immediately east of Arnica View.



Site History (Attachment B)

On October 7, 2008, *Direct Control Bylaw C-6688-2008* came into effect and the subject parcel was designated as Direct Control District 129 (DC-129). The subject parcel was created through the registration of Subdivision Plan 1611385 in June 2016. A Building Permit for the construction of a single family dwelling on Lot 6, Block 6, Plan 1611385 was issued on January 12, 2022.

Direct Control Bylaw C-6688-2008 was amended by Council on February 13, 2024, to allow the Development Authority to grant a variance to each site's minimum front yard, side yard, and rear yards by a maximum of 25%, so long as the variance would not materially interfere with or affect the use, enjoyment, or value of a nearby parcel of land, or adversely affect property access, safety, or utility rights of way.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal departments and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

The Owners Association of Harmony has provided no comments or objections to the application.

Landowner Circulation (Attachment D)

The application was circulated to 554 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); 2 letters in opposition from one adjacent landowner were received.

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ANALYSIS

Policy Review (Attachment E)

The application was evaluated in accordance with the policies and regulations of the County Plan, Harmony CS, and DC-129. Policies 5.1 and 9.1 of the County Plan support the development of the Hamlet of Harmony in accordance with the Harmony CS. In accordance with Section 5 (Policy and Implementation Strategy) of Appendix A Stage 1 Neighbourhood Plan (NP) of the Harmony CS, the vision and guiding principles contained within the Harmony CS and the Stage 1 NP are implemented through a Direct Control land use district to provide the transition from broader governing policies to site specific regulations.

The subject land is within the Village Residential 1 Development Cell (VR-1) in DC-129 and the existing Dwelling, Single Detached with a covered deck does not comply with the minimum northern side yard setback requirement of 3.35 m (11.00 ft) and the minimum southern side yard setback requirement of 1.53 m (5.02 ft). The application proposes to bring the subject land into compliance through a site-specific amendment to DC-129 to reduce the required northern side yard setback for the covered deck to 1.38 metres (4.53 feet) while allowing for eaves to project 0.30 metres (0.98 feet) and to reduce the required southern side yard setback to 1.52 m (4.99 ft). In accordance with Section 3.17.0 of DC-129, the Development Authority may grant a maximum of 25% variance to the minimum side yard setback requirement. As the application proposes to reduce the minimum northern side yard setback requirement by 58.81%, this is considered a significant reduction to the minimum northern side yard setback requirement and is inconsistent with the intent of DC-129. The drawings submitted for the Building Permit for the dwelling show an uncovered deck. A Building Permit is required for the enclosed deck.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

Future Precedent

The proposed amendment may set a precedent for future site-specific amendments in DC-129.

Enforcement

If the proposed application is not supported, the existing covered deck would not be in compliance and would need to be altered to meet the necessary property line setbacks or be removed.

STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

THAT Bylaw C-8596-2024 be given first reading.

THAT Bylaw C-8596-2024 be given second reading.

THAT Bylaw C-8596-2024 be considered for third reading.

THAT Bylaw C-8596-2024 be given third and final reading.

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ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8596-2024
- Attachment G: DC-129 Redline with Proposed Amendments

APPROVALS

Manager:	Dominic Kazmierczak
Acting Executive Director:	Dominic Kazmierczak
Chief Administrative Officer:	Reegan McCullough

