



Report Committee of Adjustment

Filing Date: October 6, 2023
Hearing Date: December 19, 2023
File: A-2020-0155
**Owner/
Applicant:** AHILRJ SIVA
Address: 8488 CREDITVIEW ROAD
Ward: WARD 4
Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0304 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 the applicant pay CVC review fee of \$478 as noted on letter dated December 04 2023;
 3. That the applicant obtain a CVC permit prior to applying for a building permit;
 4. That the applicant obtain Custom Home Approval; and
 5. 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 split-zoned 'Agricultural (A) and Floodplain (F)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a single detached dwelling, deck and covered deck in a Floodplain Zone, whereas the By-law does not permit the uses.
2. To permit a front yard setback of 7.04 metres (23.1 ft.), whereas the By-law requires a minimum front yard setback of 12.0 metres (39.37 ft).
3. To permit an easterly interior side yard setback of 3.85 metres (12.63 ft.) to the dwelling, whereas the By-law requires a minimum interior side yard setback of 7.5 metres (24.61 ft).
4. To permit a proposed dwelling having a 0.0 metre setback to the Floodplain Zone Boundary, whereas the By-law requires a minimum yard depth of 15 metres (49.21 ft) to the Floodplain Zone.
5. To permit a *proposed* deck Having a setback of 0.0m to the floodplain zone boundary, whereas the by-law permits a deck to encroach a maximum 3.0m (9.84 ft.) into the required setback, resulting in a required depth of 12 metres (39.37 ft) from the deck to the floodplain zone.
6. To permit a *proposed* deck Having a setback of 0.0m to the floodplain zone and 2.63m (8.63 ft) to the side lot line, whereas the by-law requires a minimum interior side yard setback of 7.5 metres (24.61 ft) to the deck.

Current Situation:

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

The property is designated 'Open Space' in the Official Plan and 'Primary Valleyland' in the Credit Valley Secondary Plan (Area 45). The requested variances are related to the demolition and construction of a new single detached dwelling. Given the land use will not be changing, the requested variances are not considered to have a significant impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variance is considered to maintain the general intent of the Official Plan.

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

The property is split-zoned 'Agricultural (A) and Floodplain (F)', according to By-law 270-2004, as amended.

Variance 1 is requested to permit a single detached dwelling, deck and covered deck to be located in a Floodplain zone, whereas the by-law does not permit such uses. The intent of the by-law in limiting uses being located in a Floodplain Zone is to ensure that no development takes place within an area that could be susceptible to flooding. Credit Valley Conservation staff have reviewed the proposal and note that given the existing use will not be changing, they do not object to the proposal to allow for the lands to continue operating as a single-detached dwelling. A condition of approval is recommended that any required approvals or permits be obtained from Credit Valley Conservation Authority to ensure that construction occurs in an appropriate location encompassing flooding mitigation strategies as deemed necessary from CVC staff.

Variances 2,3,4,5 and 6 are all requested to provide relief of minimum required setbacks to both property line and floodplain zone. The intent of the by-law in prescribing minimum setbacks is to ensure adequate drainage between lands is maintained, appropriate massing of dwelling and no development takes place within an area that could be susceptible to flooding. The reduced front yard setback of 7.04m (23.1 ft.) and an easterly interior side yard setback of 3.85 metres (12.63 ft.) to the dwelling are requested as a result of site limitations for 'acceptable elevation' as identified by CVC Authority, as depicted on the sketch attached to the Notice of Decision.

Variance 4,5 and 6 are requested to permit 0.0m setbacks to a floodplain zone. A condition of approval is recommended that any required approvals or permits be obtained from Credit Valley Conservation Authority to ensure computability with the adjacent floodplain.

Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are requested to facilitate the development of a new single detached dwelling. The nature and function of the site will continue to operate as a residential property as current situation allows. The reduced setbacks are not anticipated to cause negative impacts from the development of the lands and furthermore a conditional of approval is recommended that all appropriate permits and approvals shall be obtained from CVC to ensure flooding mitigation strategies are adopted. Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to allow for the orderly re-development of the lands for a single-detached dwelling. Given the nature of the site and use are not changing, the requested variances are not anticipated to negatively impact functionality, aesthetic qualities of the site or the overdevelopment of the lands. Subject to the recommended conditions of approval, the required variances are considered minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development