

Filing Date: November 20, 2020

Hearing Date: January 5, 2021

File: A-2020-0134

**Owner/
Applicant:** SANDEEP SINGH SANGHA

Address: 8951 Mississauga Road

Ward: 4

Contact: Shelby Swinfield, Planner I, Development

Recommendations:

That application A-2020-0134 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 Public Notice;
2. That the applicant obtain all permits and pay all fees associated with the review of this application by the Credit Valley Conservation Authority, if required;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:**Existing Zoning:**

The property is zoned "Residential Hamlet 1 (RHM1)" according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a front yard setback of 9.2m (30.18 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.);
2. To permit a rear yard setback of 7.5m (24.60 ft.) whereas the by-law requires a minimum rear yard setback of 15m (49.21 ft.).

Current Situation:

1. Conforms to the Intent 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). These designations are associated with identified natural features that exist within the area of the property and the protection of those features. These natural features are under the regulated authority of the Credit Valley Conservation Authority, which is charged with the review and permitting process associated with building or development taking place on these lands to ensure it does not negatively impact natural features in the area.

In the case of the subject variance application, the request for reduced side yard setbacks relate to an expansion of an existing residential dwelling, and prior to construction permits will be required from the Conservation Authority. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Residential Hamlet 1 (RHM1)" according to By-law 270-2004, as amended.

Variance 1 is to permit a front yard setback of 9.2m (30.18 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.) and Variance 2 is to permit a rear yard setback of 7.5m (24.60 ft.) whereas the by-law requires a minimum rear yard setback of 15m (49.21 ft.).

The intent of the by-law in requiring minimum front and rear yard setbacks are to ensure that sufficient outdoor amenity area is provided on the property for the main dwelling. In the case of the subject property, the defined front and rear yards are the effective side yards for the property and the setbacks are generous, given the size of the property. The proposed setbacks will not negatively impact the provision of outdoor amenity space on the property, and will facilitate an addition to an existing residential dwelling. 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 requested variances are required to facilitate an addition to the existing residential dwelling. Due to the size of the property, the reduced setbacks in the effective side yards of the property are not anticipated to negatively impact the outdoor amenity area provided on the property, and are considered to be appropriate relative to the size of the property.

The subject property is located within the regulated area of the Credit Valley Conservation Authority, and a condition of approval is recommended the applicant obtain all permits and pay all fees associated with the review of this application by the Credit Valley Conservation Authority, if required. 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 requested variances to permit reduced front and rear yard setbacks will not negatively impact the provision of outdoor amenity space on the subject property. The reduced setbacks will be of an appropriate distance proportionate to the size of the property. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development