

Filing Date: January 15, 2021

Hearing Date: June 1, 2021

File: A-2021-0003

**Owner/
Applicant:** **HARINDER GAHIR & SUMANPREET GAHIR**

Address: **9035 CREDITVIEW ROAD**

Ward: 5

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0003 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 owner finalize site plan approval under City File SPA-2019-0023, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That a more intensified front landscape treatment be required at the Site Plan Approval stage to compensate for the reduced front yard setback to the satisfaction of the Director of Development Services;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is proposing to demolish the existing dwelling and redevelop the property to construct a 3 storey private school. A related Site Plan application (SPA-2019-0023) was submitted in 2019 and associated Minor Variances are now requested to facilitate the proposed development.

Existing Zoning:

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

Requested Variances:

The applicant is requesting the following variances:

1. To permit a lot width of 37 metres whereas the By-law requires a minimum lot width of 45 metres;
2. To permit a lot area of 3201.2 square metres whereas the By-law requires a minimum lot area of 4000 square metres;
3. To permit a front yard setback of 3.0m (9.84 ft.) whereas the By-law requires a minimum front yard setback of 12.0m (39.37 ft.);
4. To permit a building height of 15.0m (49.21 ft.) whereas the By-law permits a maximum building height of 10.6m (34.78 ft.).

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Springbrook Settlement Area' in the Credit Valley Secondary Plan (Area 45). The Official Plan permits schools in Residential designations. The subject property borders the Springbrook Tertiary Plan boundary in which an internal local road network is planned to connect Creditview Road and Queen Street West. As part of the future road network contemplated within the Springbrook Tertiary Plan, lands will be conveyed to the City by the landowners of the subject property.

The requested variances are not considered to have significant impacts within the context of the Official Plan. 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 property is zoned Residential Hamlet One (RHM1), according to By-law 270-2004, as amended.

Variance 1 is to permit a lot width of 37 metres, whereas the By-law requires a minimum lot width of 45 metres. Variance 2 is to permit a lot area of 3201.2 m², whereas the By-law requires a minimum lot area of 4000m². The intent of the By-law in requiring a minimum lot width and lot area is to ensure that a certain character is maintained for the property.

The 8 metres deficiency in the proposed lot width is primarily attributable to the anticipated conveyance of land to the City for a future road construction on northern portion of the property. The reduced lot area is also attributable to factors associated with the future road and conveyance of land. Variances 1 and 2 are not anticipated to negatively impact the character of the property. The variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit a front yard setback of 3.00 metres, whereas the By-law requires a minimum front yard setback of 12.0 metres (39.37 ft.). The intent of the By-law in requiring a minimum front yard setback is to ensure that sufficient area is provided in the front yard for parking and landscaped area.

A proposed parking lot will be located at the rear of the property and no parking is proposed in the front yard. The intent of the reduced front yard setback is, in part, to align the front façade of the building with those of the commercial plaza situated at the northern corner of Creditview Road and Queen Street West. Open Space Development staff have reviewed the variance and have no objections to the request. A condition of approval is recommended that a more intensified front landscape treatment be required at the Site Plan Approval stage to compensate for the reduced front yard setback to the satisfaction of the Director of Development Services. The variance for a minimum front yard setback of 3.00 metres is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit a building height of 15.0 metres, whereas the By-law permits a maximum building height of 10.6 metres (34.78 ft.). The intent of the By-law in regulating the maximum permitted building height for a property is to ensure that there are no negative massing impacts on adjacent properties.

The proposed height represents a 4.4 metres (14.43 ft.) increase than what the Zoning By-law permits. The increase in height will facilitate the development of a 3 storey private school on the property. The proposed massing associated with this variance is not anticipated to negatively impact adjacent properties. The variance to permit a building height of 15.0 metres is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The request to allow for a reduction in the lot width, lot area, front yard setback, and increase the maximum building height will facilitate the development of a 3 storey private school which is currently subject of an ongoing Site Plan review. The school use is permitted in Residential Hamlet One (RHM1) and the Springbrook Settlement Area will be undergoing a transition as the associated Tertiary Plan is enacted. The proposed reduction in the lot width and lot area are the result of land conveyance for a future road. While a reduction of the front yard setback will contribute to a loss of open space, the building setback will help create a more uniform design that aligns with newer developments along Creditview Road. Further, the Site Plan review ensures that landscaping treatments and planting will be provided on site. The proposed building height increase is considered to be fitting for the future private school. The requested variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions, the requests to allow for a reduction in the lot width, lot area, front yard setback, and an increase in the maximum building height, are not anticipated to create any adverse impact on the character of the property and surrounding properties. The requested variances are considered to be minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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