



Report Committee of Adjustment

Filing Date: May 28, 2021

Hearing Date: June 22, 2021

File: A-2021-0127

**Owner/
Applicant:** MICHAEL PINHEIRO & MARIA PINHEIRO

Address: 2207 Embleton Road

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0127 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 submits \$310.00 review fee to the Credit Valley Conservation as outlined in their letter dated June 16, 2021; and
 3. 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 zoned 'Residential Hamlet One (RHM1)', *according to By-law 270-2004, as amended.*

Requested Variance:

The applicant is requesting the following variance:

1. To permit a front yard setback of 4.9m (16.08 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.).

Current Situation:

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

The property is designated 'Open Space' in the Official Plan and 'Village Residential' in the Bram West Secondary Plan (Area 40d). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

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

The applicant is requesting a variance to permit a front yard setback of 4.9m (16.08 ft.) whereas the by-law requires a minimum front yard setback of 12m (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.

The variance relates to the front yard setback of a proposed two storey dwelling. The subject property fronts on Embleton Drive and is subject to the regulations of the Credit Valley Conservation. The location of the proposed dwelling will be situated closer to Embleton Drive due to the Credit Valley Conservation Authority regulations relating to setbacks requirements from a tributary of the Credit River that traverses the site. The proposed 4.9 metres setback is not anticipated to negatively impact the provision of landscaped area in the front yard or obstruct parking. The requested variance conforms to the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance for a reduced front yard setback will facilitate the development of a new two storey dwelling on the property. The reduced front yard setback is primarily attributable to setback requirements imposed by the Credit Valley Conservation in relation to the erosion line. As a result, the building is required to be built closer to the north side of the property. The variance is not anticipated to create negative impacts on-site or off-site. The variance is desirable for the appropriate development of the land.

4. Minor in Nature

The proposed variance is required to facilitate the construction of a new dwelling. Given the context of the property and the limitations imposed by the Credit Valley Conservation, the variance is not expected to pose adverse any impacts. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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