

Filing Date: February 4, 2021

Hearing Date: July 13, 2021

File: B-2021-0004, A-2021-0103, and A-2021-0104

**Owner/
Applicant:** Turna Bhupinder

Address: 8871 CREDITVIEW ROAD

Ward: 4

Contact: François Hémon-Morneau, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2375.03 square metres (0.24 hectares), together with a mutual access easement. The severed property has a frontage of approximately 18.29 metres (60 feet) and an area of approximately 668.317 square metres (0.07 hectares). It is proposed that the new lot be used for future residential development of a single detached dwelling.

Recommendations:

That application **B-2021-0004** is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a) A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
 - b) Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
2. Separate water and sanitary services shall be provided for each lot in accordance with the Ontario Building Code and to the satisfaction of the Chief Building Official. Should services serving one lot cross the other, the appropriate easements shall be registered prior to the completion of the severance application and issuance of the Certificate from the COA Secretary Treasurer. A building permit is required for alteration to the existing services.
3. The applicant shall provide a mutual access easement over the retained lands in favor of the severed lands. In that regard, the applicant shall prepare and submit prior to depositing, a draft

reference plan, prepared by an Ontario Land Surveyor, to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering; and,

4. That upon approval of the Draft Reference Plan by the City's Transportation Division, the Surveyor shall deposit the Draft Reference Plan at the Land Registry Office of Peel; and provide copies of the deposited reference plan to the City's Transportation Division and the Legal Services Division.

That application **A-2021-0103** 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 a site plan application shall be submitted prior to construction on the severed lot;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That application **A-2021-0104** 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. The owner shall obtain a building permit for the accessory structure within 60 days of the decision of approval;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The consent application (B-2021-0004) was originally submitted in January 2021 to facilitate the severance of the subject property. The applicant was advised by City Staff that two additional Minor Variance applications would be required to facilitate the development of both the severed and retained parcels. The applications were deferred as per staff request at the June 1st, Committee of Adjustment hearing for the applicant to submit revised drawings demonstrating the mutual access easement.

- **Official Plan:** The subject property is designated '**Residential**' in the Official Plan;
- **Secondary Plan:** The subject property is designated '**Executive Residential**' in the Credit Valley Secondary Plan Area 45;
- **Zoning By-law:** The subject property is zoned '**Agricultural (A)**' according to By-Law 270-2004, as amended.

Requested Severance:

The applicant is requesting the following severance:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 2375.03 square metres (0.24 hectares), together with a mutual access easement. The severed property has a frontage of approximately 18.29 metres (60 feet) and an area of approximately 668.317 square metres (0.07 hectares). It is proposed that the new lot be used for future residential development of a single detached dwelling.

Consent Application:

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

A-2021-0103 Requested Variances:

The applicant is requesting the following variances associated with the proposed severed lot under consent application B-2021-0004:

1. To permit a lot width of 18.29 metres whereas the by-law requires a minimum lot width of 45 metres;
2. To permit a minimum lot area of 668.31 square metres whereas the by-law requires a minimum lot area of 0.4 hectares (4000 square metres);
3. 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.);
4. To permit a front yard setback of 8.49m (27.85 ft.) whereas the by-law requires a minimum front yard setback of 12m (39.37 ft.);
5. To permit side yard setbacks of 0.61m (2.0 ft.) and 1.22m (4.0 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.); and,
6. To permit 50% of the required front yard to be landscaped open space whereas the by-law requires 70% of the required front yard to be landscaped open space.

A-2021-0104 Requested Variances:

The applicant is requesting the following variances associated with the proposed retained lot under consent application B-2021-0004:

1. To permit a lot width of 36.57 metres whereas the by-law requires a minimum lot width of 45 metres;

2. To permit a minimum lot area of 1706.71 square metres whereas the by-law requires a minimum lot area of 0.4 hectares (4000 square metres);
3. To permit a side yard setback of 3.01m (9.88 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.); and,
4. To permit an existing accessory structure (shed) having a gross floor area of 16.27 sq. m (175.13 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161. 46 sq. ft.) for an individual accessory structure.

Minor Variance Applications:**A-2021-0103****1. Maintains the General Intent and Purpose of the Official Plan**

The subject property is designated 'Residential' in the Official Plan and 'Executive Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 subject property is zoned 'Agricultural (A)' according to By-Law 270-2004, as amended. It is noted that the requested variances are required as a result of the development standards prescribed as part of the agricultural zone. While the agricultural designation for this property is not consistent with the prevailing residential zoning in the surrounding area, the proposed lot is generally consistent with the predominant residential zoning.

Variance 1 is to permit a lot width of 18.29 metres whereas the by-law requires a minimum lot width of 45 metres. Variance 2 is to permit a minimum lot area of 668.31 square metres whereas the By-law requires a minimum lot area of 0.4 hectares (4000 square metres). The intent of the By-law in requiring a minimum lot width and minimum lot area is to ensure that a certain character is maintained for the property. The proposed lot width and lot area is generally consistent with that of adjacent properties and will facilitate the development of a future single detached dwelling. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 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 a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property. The reduced minimum rear yard setback of 7.5m (24.60 ft.) is limited to one portion of the dwelling which extends into the rear yard. The majority of the rear yard ranges between a minimum of 7.8m (25.59 ft.) and 8.47m (27.78 ft.). The proposed reduced setback is not anticipated to negatively impact the provision of outdoor amenity space on the property, and will facilitate the development of a

residential dwelling. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit a front yard setback of 8.49m (27.85 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. In the case of the new lot and associated single detached dwelling, a shared asphalt driveway fronting Creditview Road is proposed with the neighbouring property (retained lot). The shared driveway configuration is anticipated to assist in the retention of soft landscaped area and existing mature vegetation situated in the front yard. Open Space Development staff have reviewed the variance and recommend that a Tree Evaluation Report and Preservation Plan be required at the Site Plan approval stage. A condition of approval is recommended that a site plan application shall be submitted prior to construction on the severed lot. Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 5 is to permit side yard setbacks of 0.61m (2.0 ft.) and 1.22m (4.0 ft.), whereas the By-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the By-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. The 0.61m (2.0 ft.) setback is related to the left portion of the 6.26m (20.53 ft.) long garage. The 1.22m (4.0 ft.) side yard setbacks apply to the remaining portions of the building. The proposed reduced setbacks are not anticipated to negatively impact drainage on the property or limit access to the rear yard, and will facilitate the development of a residential dwelling. Variance 5 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 6 is to permit 50% of the required front yard to be landscaped open space, whereas the By-law requires 70% of the required front yard to be landscaped open space. The intent of the By-law in requiring a minimum open space landscape strip along all property lines is to aid in creating a positive visual impact for the property. The proposed shared driveway is designed in a manner that will limit the impact on the landscaped open space in the front yard. The proposed variance to reduce the required front yard open space landscaping is not anticipated to negatively impact the visual appearance of the property and is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate the development of a single detached dwelling on the proposed severed lot.

Variances 1 and 2, pertaining to the lot width and lot area, is comparable to the fabric and character of neighbouring properties and are desirable for the appropriate development of the land.

Variances 3, 4, and 5 relate to the proposed setbacks required to accommodate the development of the future dwelling. These variances are not anticipated to negatively impact the provision of outdoor amenity space, open space landscaping, drainage on the property or limit access to the rear yard. Variances 3, 4, and 5 are considered to be desirable for the appropriate development of the land.

Variance 6 concerns a reduction in the required front yard landscaped open space which can be attributed to the driveway configuration and the location of the dwelling on the property. Variance 6 is not anticipated to negatively impact the visual appearance of the property and is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are required in order to construct a single detached dwelling on the severed lot and are not considered to have significant impact on the function and character of the property and neighbourhood. Subject to the recommended conditions of approval, Variances 1, 2, 3, 4, 5, and 6 are considered to be minor in nature.

A-2021-0104

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

The subject property is designated 'Residential' in the Official Plan and 'Executive Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. 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 subject property is zoned 'Agricultural (A)' according to By-Law 270-2004, as amended.

Variance 1 is to permit a lot width of 36.57 metres whereas the by-law requires a minimum lot width of 45 metres. Variance 2 is to permit a minimum lot area of 1706.71 square metres whereas the by-law requires a minimum lot area of 0.4 hectares (4000 square metres). The intent of the By-law in requiring a minimum lot width and minimum lot area is to ensure that a certain character is maintained for the property. The variances are required for the retention of the existing dwelling resulting from the proposed severance. The requested variances are not anticipated to negatively impact the character of the property. Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 3 is to permit a side yard setback of 3.01m (9.88 ft.) whereas the by-law requires a minimum side yard setback of 7.5m (24.60 ft.). The intent of the by-law in requiring a minimum side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard. The variance to reduce the minimum side yard setback is a result of the severance. The existing single detached dwelling on the retained lot is to remain unchanged. The side yard setback is attributable to the southern portion of the dwelling which is one storey in height. Given the large size of the retained lot, the reduced side yard setbacks are not anticipated to negatively impact drainage and access to the rear yard. Variance 3 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 4 is to permit an existing accessory structure (shed) having a gross floor area of 16.27 sq. m (175.13 sq. ft.) whereas the by-law permits a maximum gross floor area of 15 sq. m (161.46 sq. ft.) for an individual accessory structure. The intent of the By-law in regulating the maximum permitted gross floor area of an accessory building is to ensure that the size of the structure does not negatively impact the provision of outdoor amenity space for the property. Based on the large size of the property and the location of the shed, the proposed increase in accessory structure area does not negatively impact the availability of amenity space. Subject to the recommended conditions of approval, Variance 4 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances 1, 2, and 3 are intended to facilitate the severance of the existing lot for a future single detached dwelling on the proposed severed lot. The variances are not anticipated to negatively impact drainage, access to the rear yard, and the character of the property. Variances 1, 2, and 3 are considered to be desirable for the appropriate development of the land.

Variance 4 is required to permit the gross floor area of an existing accessory structure (shed) situated at the rear of the property. The proposed increase in accessory structure area is not anticipated to negatively impact the availability of amenity space due to the size of the property. Subject to the recommended conditions of approval, variance 4 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is proposed to be severed to create a new lot in which a single detached dwelling is proposed to be constructed. The existing single detached dwelling will remain and no alterations are proposed. Variances 1, 2, 3 are necessary to permit the lot width, lot area, and side yard setbacks resulting from the severance. Variance 4 is required to permit the gross floor area of the existing shed situated at the rear of the property. Staff do not anticipate negative impacts resulting from these variances. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Planner I

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The severance is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed lots are appropriate in size and shape for their purpose. The size and shapes of both the severed and retained lots are generally consistent with the predominant residential zoning in the area.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.

i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed severance presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance has no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	The proposed consent has no impact on matters of Site Plan Control under the Planning Act.