

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A95.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-08 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A dwelling depth of 22.31m (approx. 73.20ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A height measured to the eaves of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance; and
3. A garage area of 37.39sq.m (approx. 402.46sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 30.00sq.m (approx. 322.92sq.ft) in this instance.

Background

Property Address: 45 John Street South

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density I

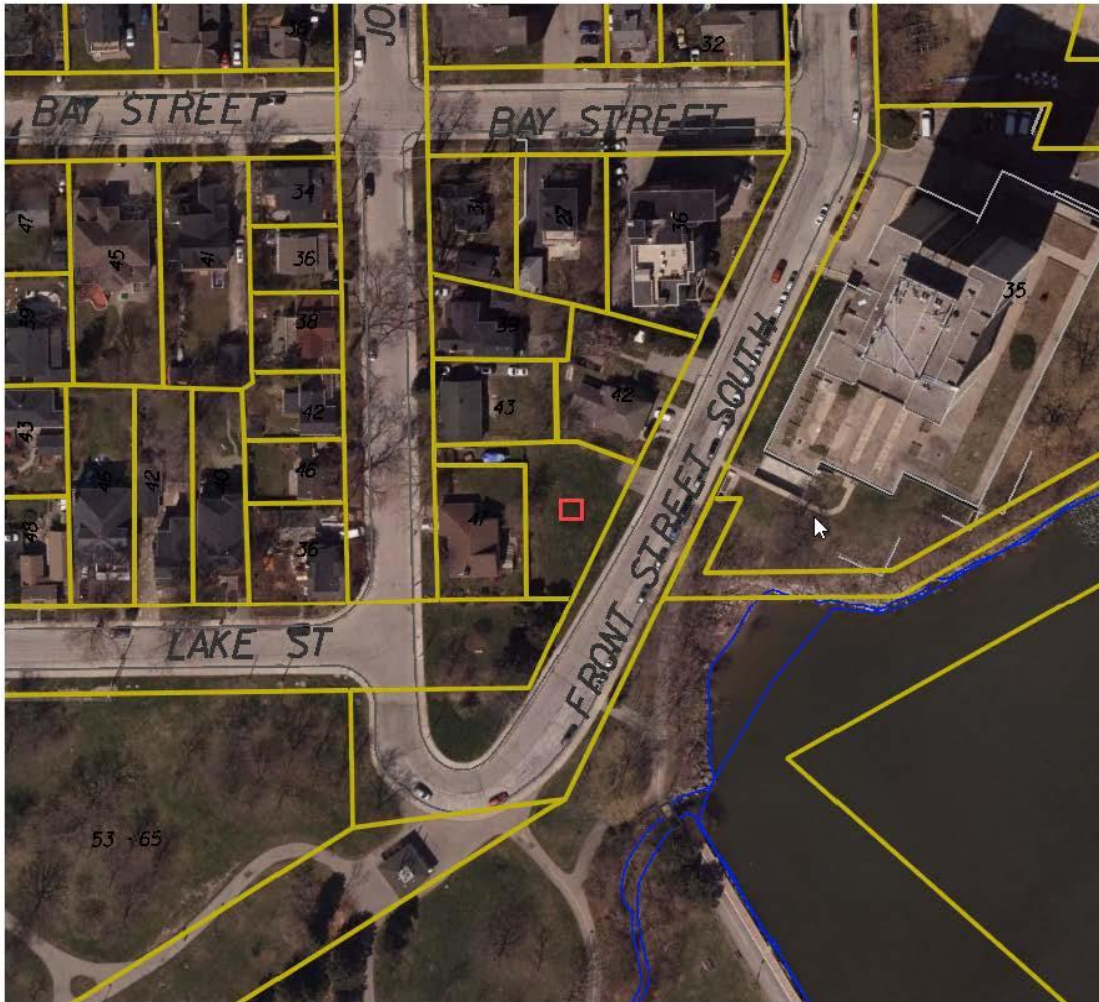
Zoning By-law 0225-2007

Zoning: R15-1 (Residential)

Site and Area Context

The subject property is located within the Old Port Credit Heritage Conservation District of the Port Credit Neighbourhood Character Area, south of Lakeshore Road West and Front Street South. The immediate neighbourhood consists of one and two storey detached dwellings with mature vegetation, including a mix of newer and older two storey dwellings. The subject property is currently vacant.

The applicant is proposing a new two storey detached dwelling, requiring variances related to dwelling depth, eave height and garage area.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

Currently, the subject property is designated under the Ontario Heritage Act and is within the Old Port Credit Heritage Conservation District. As such, the applicant is required to submit a Heritage Impact Assessment, which requires approval from the Heritage Advisory Committee (HAC). Through discussions with Heritage Planning, there are significant concerns with the proposed dwelling. It should be noted that Heritage staff worked with the applicant prior to submitting this minor variance application and have previously stated that the design of the dwelling is not appropriate and does not meet the intent of the Old Port Credit Heritage Conservation District Plan (HCD) which is meant to guide development in order to preserve the heritage character of the precinct. As such, staff recommends that the application be deferred for redesign and to allow the applicant to submit the required information and obtain approval from HAC prior to the application being heard at the Committee of Adjustment.

Conclusion

The Planning and Building Department recommends that the application be deferred for redesign.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed through the required future Site Plan/Building Permit Application process.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 4 – Heritage

The subject property is designated under Part V of the Ontario Heritage Act as it forms part of the Old Port Credit Village Heritage Conservation District (HCD). New infill requires a heritage permit and is subject to the HCD Plan. The proposal does not comply with the Plan. Heritage Planning staff have reviewed similar proposals in 2020 and advised the applicant that they do not comply with the Plan. The proposed variances should be refused.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;

3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is adjacent to the Lake Ontario Shoreline flooding and erosion hazards. In this regard, our primary concerns are related to ensuring that all new development is located outside of the hazards associated with the Lake, including the 100 year erosion limit, the 100 year flood limit, wave uprush and stability hazards associated with the slope. In addition, the property appears to be located within the Credit River Watershed Natural Heritage System. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicants request the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A dwelling depth of 22.31m (approx. 73.20ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A height measured to the eaves of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance; and
3. A garage area of 37.39sq.m (approx. 402.46sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 30.00sq.m (approx. 322.92sq.ft) in this instance.

COMMENTS:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have previously reviewed the proposal through the pre-consultation stage

(PD 20/120). As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit is required for the development as proposed.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner