

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A99.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of accessory structures on the subject property proposing:

1. A lot coverage of 45.42% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance;
2. A side yard of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and
3. A rear yard of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 4573 Mississauga Road

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 (Residential)

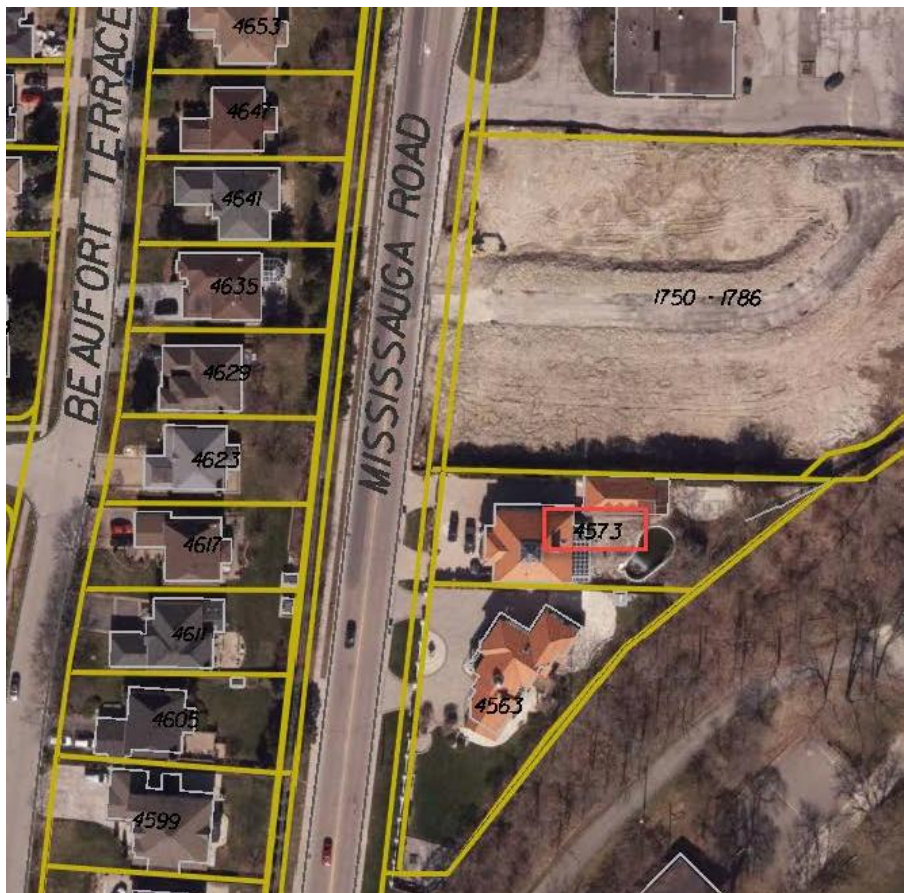
Other Applications

Pre-Application: 20-1633

Site and Area Context

The subject property is located within the Central Erin Mills Neighbourhood, south of Eglinton Avenue West and Mississauga Road. The immediate neighbourhood is primarily residential, consisting of two storey detached dwelling with mature vegetation. The lands abutting the subject property to the north is currently going through a Site Plan Approval process, which proposes 11 detached dwellings on a Common Element Condominium (CEC) Road. The subject property contains an existing two storey detached dwelling and abuts a heavily treed area which is zoned and designated Greenlands.

The applicant is proposing an accessory structure that requires variances related to lot coverage and side and rear yard setbacks.



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:

The proposed accessory structure requiring the requested variances is a retractable pool cover that extends from the dwelling, over the existing pool. The deficient rear yard is measured from the narrowest point of the lot line to the edge of the retractable cover. The remaining portion of the rear yard exceeds by-law requirements measured to the dwelling. As the accessory structure is a retractable pool cover, it does not have the same impact that a large addition or typical accessory structure may have. The proposed cover does not impact the future development to the north as there is an existing detached garage which acts as a barrier between the properties. Additionally, due to the shape of the lot and location of the dwelling to the south, the massing of the proposed structure would be mitigating. Excluding the proposed cover and the pool, the lot coverage would be approximately 25.27% which is a minor deviation from what is permitted. However, through discussions with the Credit Valley Conservation (CVC) Authority, a geotechnical report was submitted and additional information that has not been received was requested to determine the impact to the natural feature. As such, staff recommends that the application be deferred.

Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Attached for Committees information are photos of the existing property. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed accessory structures will be addressed through the required future Building Permit Application process.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-1633. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 11/17/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

Appendix 5 – Region of Peel Comments

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

Please be advised that 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 traversed by the valley slope associated with the Credit River. In addition, the property appears to be located within the Peel Core Greenlands and 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 accessory structures proposing:

1. A lot coverage of 45.42% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance;
2. A side yard of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and
3. A rear yard of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance.

COMMENTS:

CVC staff had previously reviewed the proposal at the pre-consultation stage and **have concerns** with regards to the proposed works at the rear. CVC staff provided comments, requesting a geotechnical assessment for the works proposed at the rear. The applicant has recently submitted the geotechnical report (prepared by Soil-Mat Engineers, dated October 26, 2020) for our review as part of the application. CVC staff have screened the report and requested additional information required to complete our review.

As such, CVC staff request a **deferral** of the minor variance by the Committee until such time that the requested information has been provided, the report has been reviewed to our satisfaction, and all outstanding concerns have been addressed.

It should be noted that a CVC permit will be 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