

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A109.21 A110.21 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance (A109.21) to allow the construction of a new house proposing:

1. A setback measured from the dwelling to a G2-3 Zone (Greenlands) of 12.05m (approx. 39.53ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a dwelling to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance;
2. A setback measured from a deck to a G2-3 Zone (Greenlands) of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance; and
3. An interior side yard measured to a second storey of 1.67m (approx. 5.48ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a second storey of 2.41m (approx. 7.91ft) in this instance.

The applicant requests the Committee to approve a minor variance (A110.21) to allow the construction of a new house proposing:

1. A setback measured from the dwelling to a G2-3 Zone (Greenlands) of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a dwelling to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance;
2. A setback measured from a deck to a G2-3 Zone (Greenlands) of 5.41m (approx. 17.75ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance; and
3. An interior side yard measured to a second storey of 1.67m (approx. 5.48ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a second storey of 2.41m (approx. 7.91ft) in this instance.

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Amendments

The Building Department is currently processing building permit application BP 9NEW 20-2830 (5202 Durie Rd). Based on review of the building permit plans submitted on 3/2/2021 the following amendment is required:

2. A setback measured from a deck to a G2-3 Zone (Greenlands) of 5.14m (16.86ft); whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance;

Background

Property Address: 5196 Durie Road & 5202 Durie Road

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Greenlands & Residential Low Density I

Zoning By-law 0225-2007

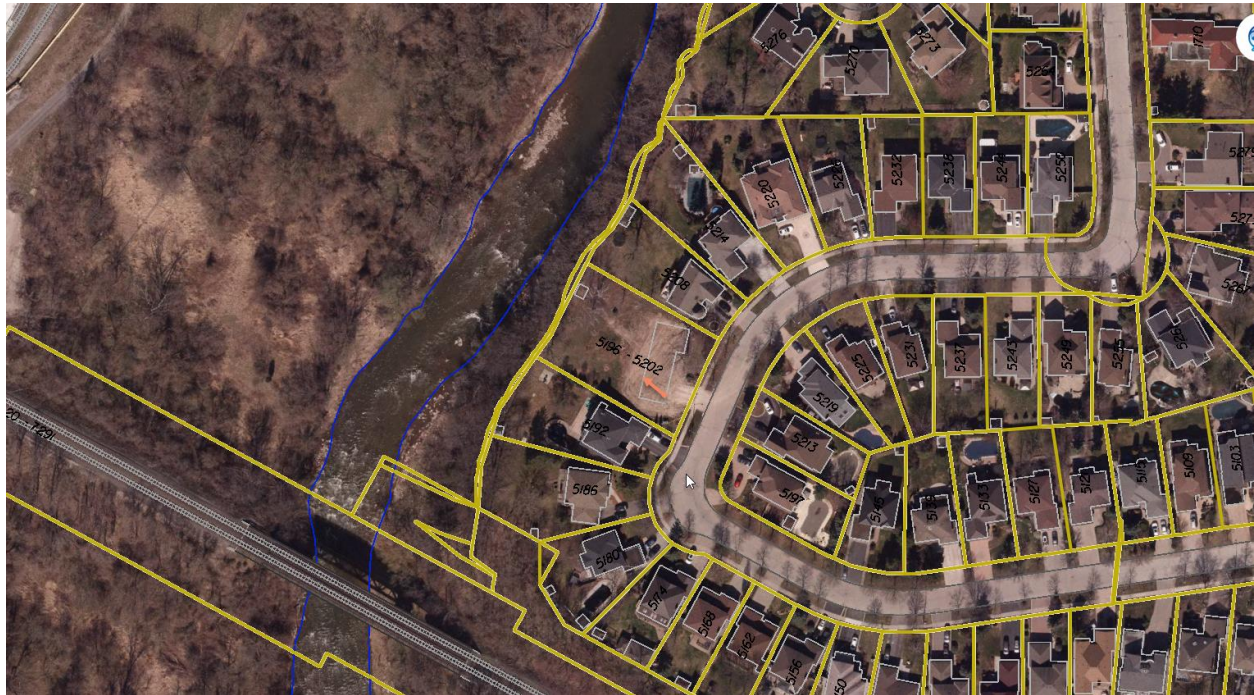
Zoning: R2-18, G2-3 - Residential and Greenlands

Other Applications: BP New 20-2829
A46/20
B60/19

Site and Area Context

The Subject lands are located north-west of the Creditview Rd and Eglinton Ave W intersection and are currently vacant. The subject properties abut one another and are interior parcels with lot areas of approximately +/- 978.8m² and lot frontages of approximately +/- 18.18m. The immediate neighbourhood consists entirely of detached dwellings with a mixture of architectural designs, situated on generous parcels. The lots in the neighbourhood generally have a frontage of +/- 16.5m with mature vegetation and landscape elements in the front yards.

The applicant is proposing two, new two-storey dwellings that require variances related to setbacks within a Greenland zone and interior side setbacks.



The intent of the Zoning By-law for the split-zone property is to permit a limited range of uses and activities specific to the protection of the natural features, natural heritage and conservation areas in conjunction with permitting a dwelling. Pursuant to section 1.1.4 (More than One Zone) when a lot is divided into more than one zone, each portion of the lot shall comply with the applicable provisions of the zone in which it is situated. In this case, the applicant is proposing reduced setbacks to both dwellings which are an insignificant variance to the G2-3 zone. The Credit Valley Conservation Authority (CVC) as well as Community Services has confirmed there

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are no concerns with this proposal. The applicant has also proposed interior side yards measured to a second storey of 1.67m whereas 2.41m is required for both dwellings. Staff finds this a minor deviation from the by-law and provides an adequate buffer between properties. Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Comments Prepared by: Brooke Herczeg RPP, 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 Building Permit Application process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing building permit application BP 9NEW 20-2829 (5196 Durie Rd). The variances as requested are correct based on the building permit plans submitted on 3/2/2021.

The Building Department is currently processing building permit application BP 9NEW 20-2830 (5202 Durie Rd). Based on review of the building permit plans submitted on 3/2/2021 the following amendment is required:

2. A setback measured from a deck to a G2-3 Zone (Greenlands) of 5.14m (16.86ft); whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to a G2-3 Zone of 15.00m (approx. 49.21ft) in this instance;

Please note that comments reflect those provided through the above permit application submitted on 3/2/2021. These comments may no longer be valid should there be any changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the building permit applications. Any changes and/or updates to information and/or

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drawings must be submitted, as per standard resubmission procedures, separately through the building permit application process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

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 an area the Regional Official Plan (ROP) designates as Core Area - Woodland, Core Area - Valley Corridor, and as a provincially-significant Core Area - Area of Natural and Scientific Interest (ANSIs) (Earth Science) of the Greenlands System in Peel, under Policy 2.3.2

The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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;

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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.

ONTARIO REGULATION 160/06:

The properties are subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06) due to the presence of a watercourse, associated floodplain, and wetlands. 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).

SITE CHARACTERISTICS:

The subject properties are regulated because of the valley slope and floodplain associated with the Credit River. Other features of CVC interest on and adjacent to the property include; Core Greenlands designated by the Region of Peel, Significant Natural Site (CRR4) designated under the City of Mississauga Natural Heritage System, a provincial Life Science Area of Natural and Scientific Interest (ANSI), and Environmentally Significant Area.

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.

PROPOSAL:

It is our understanding that the applicants request the Committee to approve a minor variance (A 21/109) to allow the construction of a new house proposing:

1. A setback of 12.05m (approx. 39.53ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a dwelling to a G2-3 Zone (Greenlands) of 15.00m (approx. 49.21ft) in this instance;
2. A setback 7.85 m (approx. 27.75ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to of G2-3 Zone (Greenlands) of 15.00m (approx. 49.2ft) in this instance; and
3. An interior side yard measured to a second story of 1.67m (approx. 5.48ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a second story of 2.41m (approx. 7.91ft) in this instance.

It is our understanding that the applicants request the Committee to approve a minor variance (A 21/110) to allow the construction of a new house proposing:

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1. A setback of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a deck to a G2-3 Zone (Greenlands) of 15.00m (approx. 49.21 ft) in this instance;
2. A setback 5.14m (approx. 17.75ft) whereas By-law 0225-2007, as amended, requires a minimum setback from a deck to a G2-3 Zone of 15.00m (approx. 49.2ft) in this instance; and
4. An interior side yard measured to a second story of 1.67m (approx. 5.48ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a second story of 2.41m (approx. 7.91ft) in this instance.

COMMENTS:

CVC staff have reviewed the proposed development through two permit applications and have previously provided permits (FF 20/201 dated August 28, 2020 and FF 20/202 dated August 28, 2020) for the dwellings. It should be noted that the drawings submitted with this application differ slightly from the CVC approved Site Plans (revised August 24, 2020) and revised CVC permits may be required.

Based on our review, CVC staff have **no concerns** and **no objection** to the approval of these minor variances by the Committee at this time.

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. 350) should you have any further questions or concerns.

Comments Prepared by: Mishaal Rizwan, Planning Technician