

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): A146.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00 PM

Consolidated Recommendation

The City 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure in the front yard whereas By-law 0225-2007, as amended, does not permit an accessory structure in the front yard in this instance.

Amendments

We also advised that the following variance should be added as follows:

Excessive floor area of an accessory structure. A maximum area of 20m² is permitted for each structure, whereas 43.80m² is proposed.

Background

Property Address: 1219 Ravine Drive

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

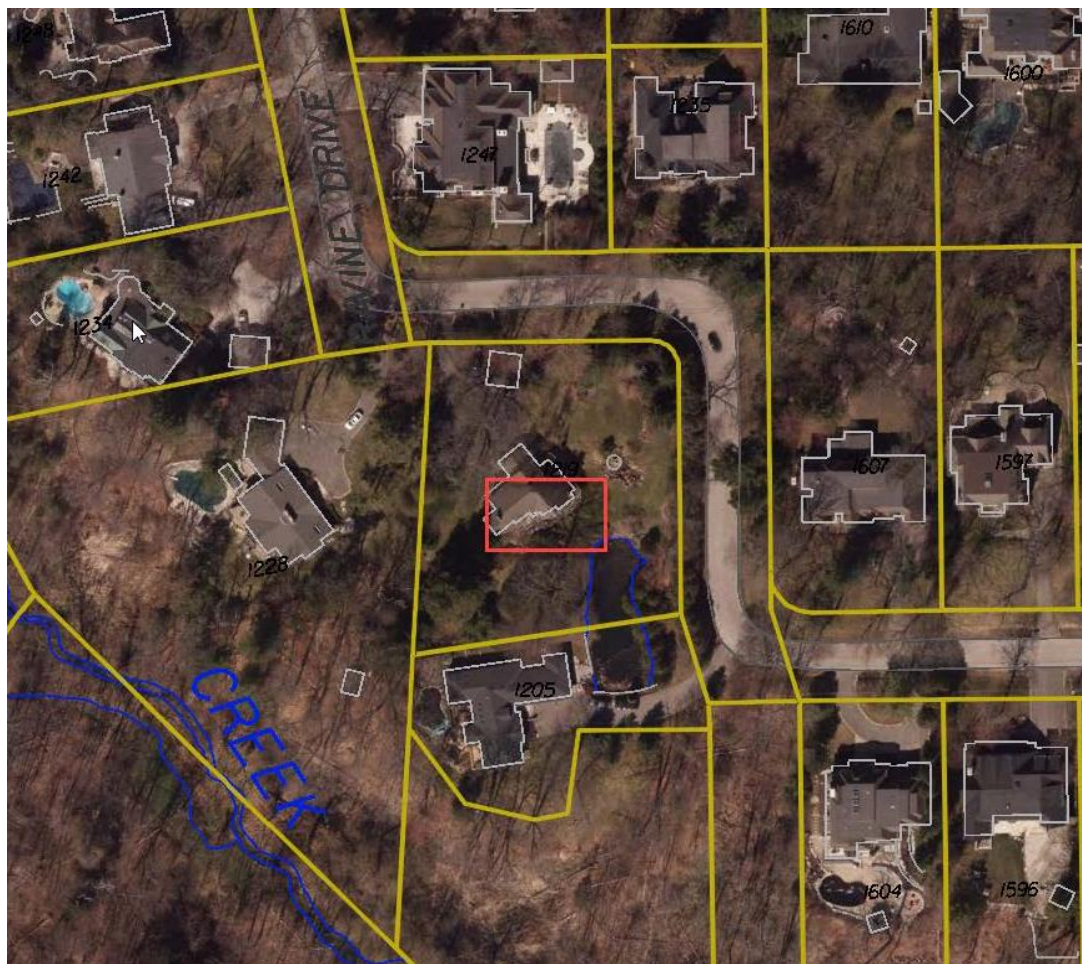
Zoning: R3-3 - Residential
Other Applications

Site Plan Application: 21-11

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Clarkson Road North and the Hydro Corridor. The neighbourhood is entirely residential, consisting of large lots with one and two storey detached dwellings with significant mature vegetation. The subject property contains an existing two storey dwelling with a detached garage in the front yard and significant mature vegetation throughout the lot.

The applicant is proposing to convert the existing detached garage to an accessory structure, requiring a variance for an accessory structure in the front yard whereas it is not permitted.



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:

A detached garage has existed in the front yard on the subject property prior to the implementation of Zoning By-law 0225-2007. As a new two storey dwelling is being developed on the subject property and the existing detached garage will be converted to an accessory structure, a variance is required to legalize the existing structure. Generally, staff does not support accessory structures in a front yard, however, given the size of the lot and significant mature vegetation throughout the lot, the structure doesn't make up the main feature of the property and doesn't negatively alter the streetscape character. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process.

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: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing structure in the front yard.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan application under file SPI 21-11 W2. Based on review of the information currently available in this permit application, the variance, as requested is correct. We also advised that the following variance should be added as follows:

Excessive floor area of an accessory structure. A maximum area of 20m² is permitted for each structure, whereas 43.80m² is proposed.

Please note that comments reflect those provided through the above site plan application submitted on 2021/04/14 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-146/21

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 a valley slope associated with Birchwood Creek. In addition, the property appears to be located within the Credit River Watershed NHS. 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 an accessory structure in the front yard whereas By-law 0225-2007, as amended, does not permit an accessory structure in the front yard in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC staff have reviewed and provided clearance on a Site Plan application (SP 21/011) for the proposed development. As such, CVC staff have **no objection** to the approval of this minor variance 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. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner