

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A178.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

The City has no objection to the variances, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the existing treehouse to remain proposing:

1. An area of an accessory structure of 14.00sq.m (approx. 150.70sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
2. A building height of an accessory structure of 4.04m (approx. 13.25ft) whereas By-law 0225-2007, as amended, permits a maximum building height of an accessory structure of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 2035 Lorelei Road

Mississauga Official Plan

Character Area: Cooksville NHD (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

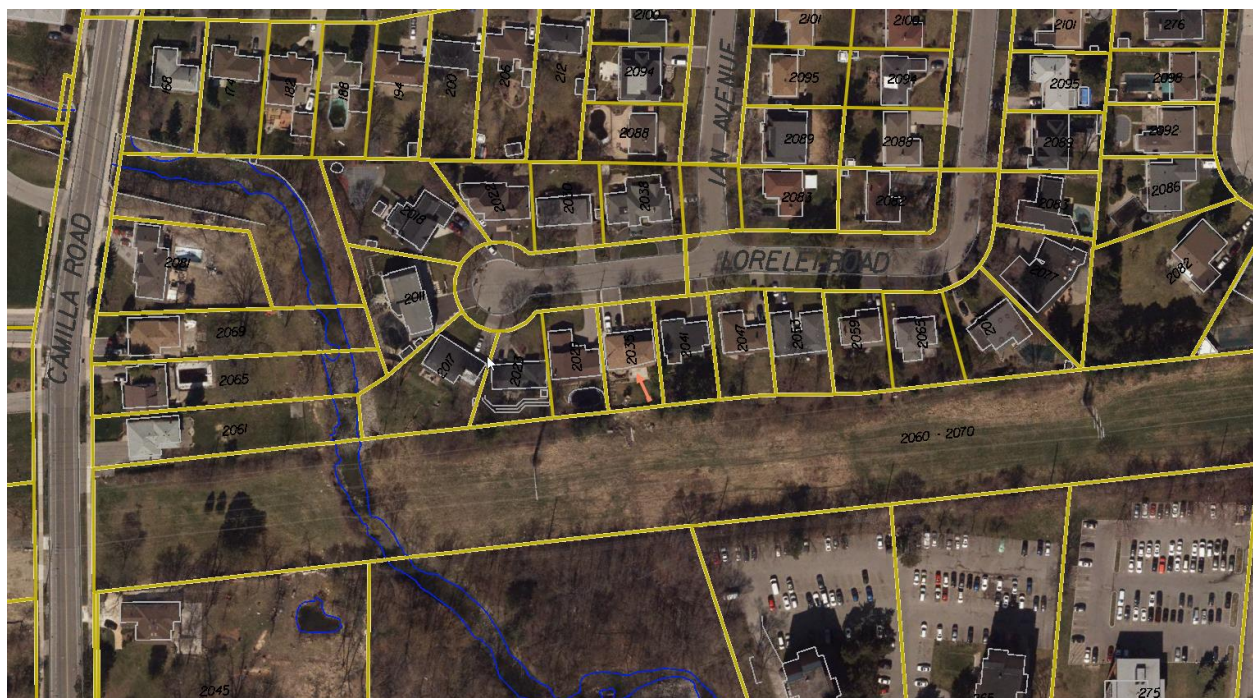
Zoning: H-R3-54 - Holding & Residential

Other Applications:
PREAPP 21-5181

Site and Area Context

The property is located south-west of the Ian Avenue and Lorelei Road intersection and currently houses a 2 storey detached dwelling with mature vegetation and landscape elements in the front and rear yards. The subject property is an interior parcel, with a lot area of approximately +/- 697m² and a lot frontage of approximately +/-19.05m. Contextually, the surrounding neighbourhood consists exclusively of detached dwellings. The properties within the immediate area possess lot frontages of +/- 20.5m, with mature vegetative / natural landscaped elements within the front yards.

The applicant is proposing a treehouse a structure requiring variances for accessory structure area and height.



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 of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Cooksville Neighbourhood Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed structure is permitted within this designation; Staff is of the opinion that the general intent and purpose of the MOP is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Staff note that the property is under Holding provision (H) H-R3-54 - Holding & Residential. Staff further note that the holding provision relates to flood proofing and that the minor variances pertaining to the treehouse are unrelated.

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots.

Variance #1 as requested pertains to maximum area of an accessory structure. The applicant is proposing an accessory structure area of 14.00m² whereas the maximum permitted area of an accessory structure is 10.00sq.m. Given the size of the applicant's lot (+/- 697 sq. m), staff is of the opinion that this variance is minor and proportional. Furthermore, the 14m² treehouse is clearly accessory to the existing one storey dwelling. The variance, as amended, meets the purpose and general intent of the Zoning By-law.

Variance #2 as requested pertains to maximum building height of an accessory structure. The applicant is proposing an accessory structure height of 4.04m, whereas the maximum building height of an accessory structure is 3.00m. While the proposed height of the treehouse exceeds the maximum contained in the zoning by-law, staff has no concerns with this variance. The applicant's proposal does not present any massing/privacy/overlook concerns to neighbouring lots because the treehouse is located in the rear yard of the property, which cannot be viewed by the street. Furthermore, the property backs onto a Hydro transmission corridor to the south and the neighbouring properties to the east and west of 2035 Lorelei Road are adequately screened by fencing and mature vegetation. Staff also note that the proposed treehouse meets all setback requirements contained in the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff find the proposed area and height of the treehouse to be appropriate and proportional, given the size of the lot and existing 1 storey dwelling. Further, the treehouse is adequately screened with vegetation and fencing to mitigate overlook/privacy concerns. This is a desirable development of the land, and one whose effects are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department 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.

Comments Prepared by: Connor DiPietro, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We note from our site inspection that we observed no grading and drainage related issues with the existing treehouse.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pre-Zoning Application under file 21-5181. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application 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.

NOTE: Property is under Holding provision (H) which must be removed or lifted prior to permit issuance.

Comments Prepared by: Marco Palerma

Appendix 3 – Parks, Forestry & Environment

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The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by Hydro One and leased by the City of Mississauga, known as Nine Creeks Trail.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.
4. Tree preservation securities may be required as a condition of site plan approval for street trees located within the Municipal Boulevard.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

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 floodplain associated with Cooksville Creek. 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 existing treehouse to remain proposing:

1. An area of an accessory structure of 14.00sq.m (approx. 150.70sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
2. A building height of an accessory structure of 4.04m (approx. 13.25ft) whereas By-law 0225-2007, as amended, permits a maximum building height of an accessory structure of 3.00m (approx. 9.84ft) in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC staff have previously reviewed and issued a permit (FF 21/107) 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

Appendix 7 – Trans Northern Pipelines Inc

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Committee of Adjustment notice of public hearing for the proposed development to allow the existing treehouse to remain. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property southeast and adjacent side to the proposed development relating to 2035 Lorelei rd.

TNPI has no concerns with the proposed development as it is outside of the Prescribed Area (30m) and outside of our right-of-way. Please note, any development plans within the right-of-way **will require a permit** which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development (not discovered in this review) within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at : crossingrequestseast@tnpi.ca.

As always, Trans-Northern Pipeline Inc. appreciates being circulated development applications.

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Comments Prepared by: Renee Flowerday, Property and Right of Way Administrator