

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A209.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-06-17 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 the construction of a new dwelling proposing:

1. A lot coverage of 27.53% (376.62sq.m) whereas By-law 0225-2007, permits a maximum of 25.00% (342.04sq.m) in this instance;
2. A side yard measured to a wood deck of 0.14m (approx. 0.46ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a wood deck of 0.61m (approx. 2.00ft) in this instance;
3. A combined width of side yards of 7.26m (approx. 23.82ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 9.44m (approx. 30.97ft) in this instance; and
4. A driveway width of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.88ft) in this instance.

Background

Property Address: 1251 Stavebank Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-1 - Residential

Other Applications

Pre-Application: 21-5390

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Mineola Road West. The neighbourhood is entirely residential, consisting of large lots that contain one and two storey detached dwellings with significant mature vegetation. The subject property contains a new two storey dwelling with mature vegetation.

The applicant is proposing an increased lot coverage and deficient side yard setback measured to a deck and combined side yard width.

**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 increased lot coverage is due to the eave overhangs. The lot coverage of the dwelling, including the front covered porch and rear deck, maintains a coverage of 22.76% which is less than the maximum permitted. The proposed eave overhang does not add significant massing to the dwelling that would result in overdevelopment of the lot.

The side yard setback to the deck is due to a pinch point between the deck and lot line. The remaining portion of the deck maintains the permitted setback. The combined side yard width is measured to the overhang of the eaves. The setback measured to the façade of the dwelling exceeds the required combined side yard width. Additionally, the increased driveway width is a minor deviation from what is permitted and will not impact the soft landscaped area within the front yard.

Based on the preceding information, staff is of the opinion that the application is appropriate to be handled through the minor variance process and raises no concerns of a planning nature, in this instance.

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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed through the Site Plan Application process, File SPI-21/042.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-5390. 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.

Comments Prepared by: Alana Zheng, Zoning Examiner

Appendix 5 – Region of Peel Comments

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 traversed by the floodplain associated with Kenollie Creek. In addition, the property is located within the City of Mississauga Natural Heritage System (NHS) and 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 the construction of a new dwelling proposing:

1. A lot coverage of 27.53% (376.62sq.m) whereas By-law 0225-2007, permits a maximum of 25.00% (342.04sq.m) in this instance;
2. A side yard measured to a wood deck of 0.14m (approx. 0.46ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a wood deck of 0.61m (approx. 2.00ft) in this instance;
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4. A driveway width of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended,

permits a maximum driveway width of 8.50m (approx. 27.88ft) 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 the proposal through a Site Plan application (SP 16/051) and issued two permits for the proposed works (FF 17/170 & FF 20/325). 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