

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-06-30	File(s): A114/20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-09

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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The Applicants request the Committee to approve a minor variance to allow the reconstruction of the rear yard deck and the existing shed to remain, proposing:

1. A lot coverage of 36.5% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% of the lot area, in this instance;
2. A rear yard measured to a shed of 0.28m (approx. 0.92ft); whereas, By-law 0225-2007, as amended, requires a minimum rear yard of 0.61m (approx. 2.00ft), in this instance; and,
3. A side yard measured to a shed of 0.25m (approx. 0.82ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft), in this instance.

Background

Property Address: 4267 Greybrook Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

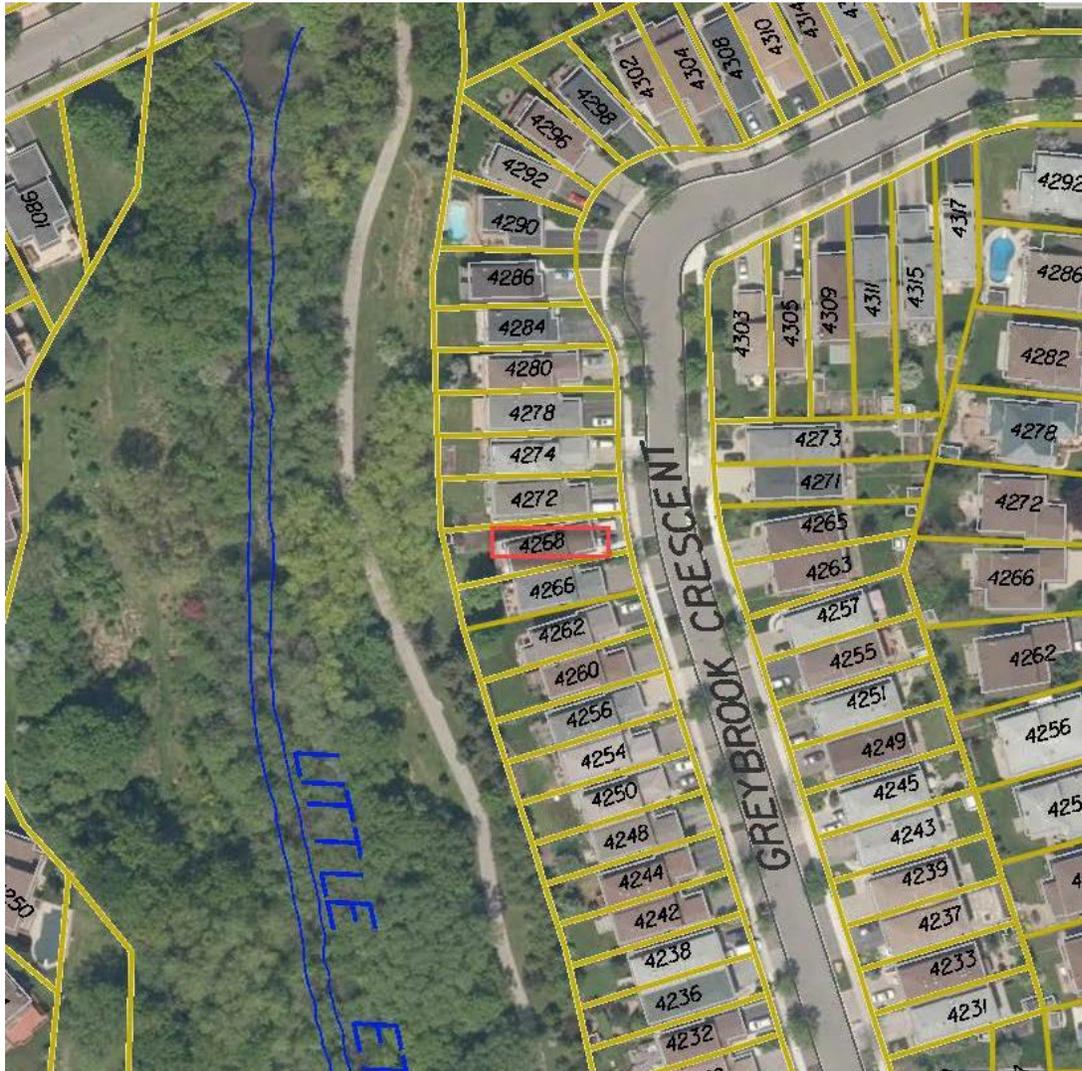
Zoning: RM1 (Residential)

Other Applications:

Building Permit: 19-8732

Site and Area Context

The property is located south-west of the Dixie Road and Eastgate Parkway intersection, and currently houses a two-storey detached dwelling with an attached two-car garage. The site is contiguous to an open space / landscaped trail to the rear. The immediate neighbourhood is primarily detached dwellings; however semi-detached structures are also present within the immediate area. The area shares a 1980's architectural style, with an absence of new construction or replacement dwellings being present. The properties within the immediate area possess lot frontages of +/-9.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of approximately 405m² and a frontage of 9.1m.



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. In evaluating such requests, the Committee must be satisfied that the proposal meets 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:

Variance 1, as requested, is required to address massing resultant of an open-faced deck; with Variances 2 and 3, required to permit an existing 2.5m x 3.5m shed, which is not large enough to necessitate a Building Permit application. Through a detailed review, 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.

Planning Staff would note, Committee granted similar approval to the neighbouring property of 4278 Greybrook Crescent; permitting a lot coverage 45.0% for an elevated deck, through Minor Variance Application 'A' 411/19.

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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the deck as constructed. We are also noting from our site inspection of the property that the deck as constructed and existing shed have not altered the existing drainage pattern for this property.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-8732. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance application and has no objections.

Should the application be approved, Community Services notes the following:

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

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 4 – Region of Peel Comments

Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). The Region relies on the environmental expertise of the TRCA 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 TRCA and incorporate their conditions of approval appropriately.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 5 - Toronto and Region Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on February 20, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS)*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

The purpose of this Minor Variance Application is to request the following variances:

1. a lot coverage of 36.5% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% of the lot area in this instance;
2. a rear yard measured to a shed of 0.28 m. (approx. 0.92 ft.) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 0.61 m. (approx. 2.00 ft) in this instance; and
3. a side yard measured to shed of 0.25 m. (approx. 0.82 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61 m. (approx. 2.00 ft.) in this instance.

It is our understanding that the purpose of the above variances is to allow the existing deck and shed to remain.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 114/20.

Application Specific Comments

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a valley corridor of Etobicoke Creek. A portion of the property is located within the associated Regional Flood Plain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Based on our review, it appears that the existing deck and shed are located within the Regional Flood Plain. It is our understanding that the applicant was granted a permit by TRCA to recognize the development of a 28.8 sq.m. (309.96 sq.ft.) deck located in the rear yard of an existing building on the subject property (Permit No. C-200032). We confirm the proposed deck in this application is consistent with the approved permit.

Additionally, TRCA staff has reviewed the existing shed as part of the above noted permit application. It is our understanding that the existing shed is prefabricated, and that it is not located on a concrete pad and/or secured to the ground. Accordingly, it is TRCA's staff opinion that the shed is not considered development under TRCA's definition. We note that the requested variances No. 2 and 3 address the existing shed. Given the minor scale of the shed, it is our opinion that it has minimal impact on the storage and conveyance of flood waters. As such, TRCA staff have no concerns about the associated reduced rear yard setbacks, as requested.

Accordingly, TRCA staff have no concerns with the requested variances, as submitted. However, TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Comments Prepared by: Lina Alhabash, Planner I