

# City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A351.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 1:00:00 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, as requested, 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 applicant requests the Committee to approve a minor variance to allow an existing two-level deck with:

1. A side yard setback (easterly) of 1.55m (approx. 5.09ft) to the G1 Zone (Greenlands) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 5.00m (approx. 16.40ft) to a G1 Zone (Greenland) in this instance; and,
2. A lot coverage of 31.49% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

## Background

**Property Address:** 2016 Eckland Cr

### Mississauga Official Plan

Character Area: Erin Mills Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

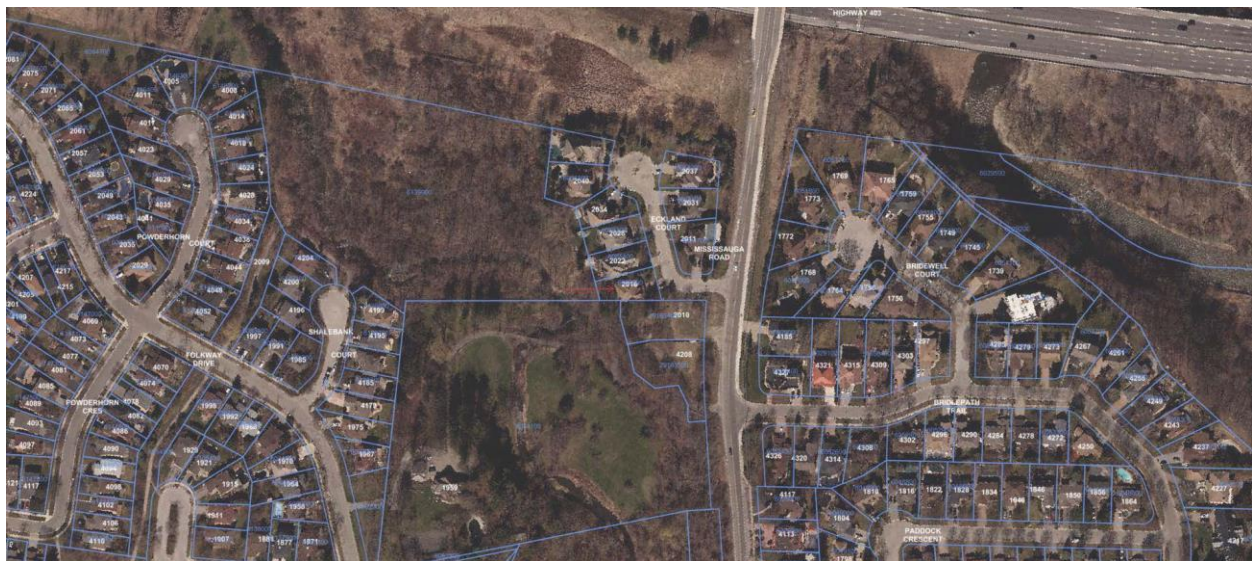
**Zoning:** R2 - Residential

**Other Applications:** BP 9ALT 22-813

## Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, south of Mississauga Road and Highway 403. The immediate area consists of two-storey single detached dwellings on large lots with mature vegetation in the front and rear yards. The subject property contains an existing two-storey detached dwelling with vegetation in the front yard.

The application is seeking to legalize an existing two-level deck and requires variances for side yard setback and lot coverage.



## 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 subject property is located within the Erin Mills Neighbourhood Area and is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached, and duplex dwellings.

Variance #1 pertains to a setback to a G1 Zone. The intent of setback regulations to G1 zones is to ensure an adequate buffer between development and the environmentally sensitive lands. The subject property directly abuts the lands zoned G1 to the east, which part of the Credit Valley Conservation Authority's Regulatory Boundary. Variance #1 is only required at a single point to the proposed deck. The remaining portions of the side yard widen as you move toward

the front lot line. Staff note that the applicant was issued a permit from the Credit Valley Conservation Authority for the proposed deck. Therefore, staff have no concerns with this variance.

Variance #2 pertains to lot coverage. The intent of the zoning regulation is to ensure there is not an overdevelopment of the lot. In this instance, the dwelling's footprint would maintain a lot coverage of approximately 27.22%, which is less than the maximum permitted under the by-law. The remaining lot coverage is attributable to the front porch and rear decks, which does not add significant massing to the dwelling as these are primarily open structures.

Through a detailed review of the application, 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.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos of the existing decks on the property.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-813. Based on review of the information currently available in this permit application, we advise that variances as provided are correct. Furthermore, more information is required in order to determine whether additional variance(s) will be required.

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: Maria Fernandez, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the minor variance application and advises as follows:

The lands to the rear of the property are owned by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Shalebank Hollow (P-178) and classified as Significant Natural Area within the City's Natural Heritage System and zoned R2. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

In addition, Community Services notes the following:

1. If further construction is required, construction access from the adjacent City owned lands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## Appendix 4 – Region of Peel

Development Planning: Joseph Filice (905) 791-7800 x3182

**Comment:** Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area - Valley Corridor 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: Joseph Filice, Junior Planner

## Appendix 5 – Credit Valley Conservation (CVC)

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; and
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 regulated for floodplain and valley slope associated with Mullett Creek. Additionally, the property is located partially within the Region of Peel Greenlands and the Credit River Watershed Natural Heritage System (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.

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**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 applicant requests the Committee to approve a minor variance to allow an existing two-level deck with:

1. A side yard setback (easterly) of 1.55m (approx. 5.09ft) to the G1 Zone (Greenlands) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 5.00m (approx. 16.40ft) to a G1 Zone (Greenlands) in this instance; and,
2. A lot coverage of 31.49% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

**COMMENTS:**

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC staff have reviewed the proposed development through a permit application (FF 21/387) and a CVC permit has been issued for the construction of the deck and rear landscaping. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

The applicant should note that any changes to the previously approved plans and any future development proposed on the property will require prior approval from CVC.

Please circulate CVC on 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, Planner