

# City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A181.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 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 minor variances to allow the construction of a one-storey rear addition proposing:

1. An accessory structure height of 3.77m (approx. 12.36ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.0m (approx. 9.84ft) in this instance;
2. A combined area of 34.3 sq.m (approx. 369.20sq.ft) for accessory structures whereas By-law 0225-2007, as amended, permits a combined area of 30 sq.m (approx. 322.91ft) for accessory structures in this instance;
3. A floor area of 34.3 sq.m (approx. 369.20sq.ft) per accessory structure whereas By-law 0225-2007, as amended, permits a maximum floor area of 10 sq.m (approx. 107.63sq.ft) per accessory structure in this instance;
4. To permit a door below regulatory flood level at 85.19m (approx. 279.49ft) whereas By-law 0225-2007, as amended, permits a door below regulatory flood level at 85.90m (approx. 281.82ft) in this instance;
5. A setback of 25.6m (approx. 83.98ft) to the railway right-of-way whereas By-law 0225-2007, as amended, requires a setback of 30m (approx. 98.42ft) to the railway right-of-way in this instance;
6. An interior side yard setback of 0m for an accessory structure whereas By-law 0225-2007, as amended, requires an interior side yard setback of 0.6m (approx. 1.96ft) in this instance;
7. A maximum building depth of 20.015m (approx. 65.67ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.61ft) in this instance;
8. A side setback of 0m to the driveway whereas By-law 0225-2007, as amended, requires

a 0.6m (approx. 1.96ft) side setback to the driveway in this instance; and,

9. A driveway width of 5.8m (approx. 19.02ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.2m (approx. 17.06ft) in this instance.

## Background

**Property Address:** 1110 Claredale Rd

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

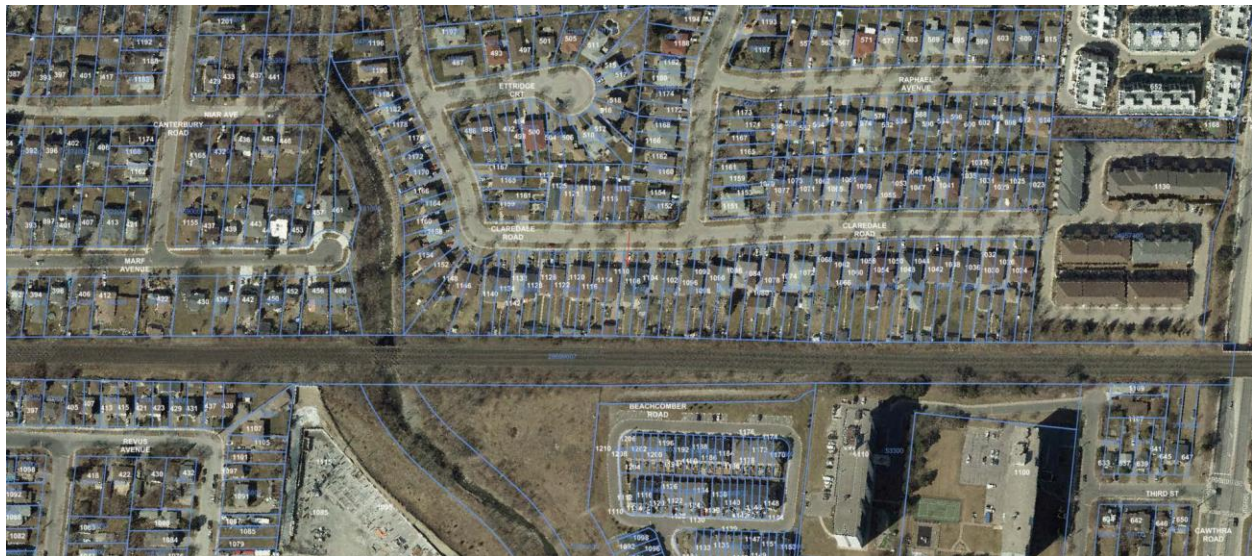
**Zoning:** RM1-26 - Residential

**Other Applications:** Building Permit under file BP 21-7547

### Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southwest of Atwater Avenue and Northaven Drive. The immediate neighbourhood contains a mix of housing types, including older and newer one and two-storey detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains a one and a half storey semi-detached dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to accessory structure height and area; setbacks; building depth and driveway 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 above noted application was deferred on April 21<sup>st</sup>, 2022. The applicant requested deferral as discussions with Zoning staff identified additional variances required for to legalize an existing garage. The application was deferred again on June 16<sup>th</sup>, 2022, to allow the applicant an opportunity to address staff's concerns with variance #8 for a side yard setback of 0m to the garage. The applicant has since revised their development plan and now proposes to demolish the existing garage. Staffs was only concerned with variances pertaining to the existing garage and has no concerns with the remaining variances, as noted in their report for the April 21<sup>st</sup>, 2022 hearing. As such, staff is of the opinion that the proposed addition is desirable and is appropriate to be handled through the minor variance process. Furthermore, 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

The revised drawings that the applicant has submitted now shows that the garage that was in question in our previous comment is to be removed. We have no further concern with the application.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

Application Received, Correct Variances

The Building Department is currently processing a building permit under file BP 9ALT 21-7547. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Note: The existing detached garage is excluded from scope of work/this application.

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: Sherri Takaloo, Zoning Examiner

### Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Region of Peel

### Appendix 4- 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 due to Cooksville Creek and its associated floodplain. Additionally, the property is located within a Surface Water Intake Protection Zone. 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 applicant requests the Committee to approve a minor variance to allow an existing accessory structure with:

1. An accessory structure height of 3.77m (approx. 12.37ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
2. A combined area of accessory structures of 49.3sq.m (approx. 530.66sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance;
3. An accessory structure floor area of 34.3sq.m (approx. 369.20sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
4. A door below the Regulatory Flood Level identified by Credit Valley Conservation whereas By-law 0225-2007, as amended, does not permit a door below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction (Credit Valley Conservation) in this instance;
5. A setback to the railway right-of-way of 25.6m (approx. 84.0ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.0m (approx. 98.43ft) in this instance;

6. An interior side yard setback of 0.0m to the accessory structure whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.6m (approx. 2.0ft) to an accessory structure in this instance; and,

7. A building depth of 20.20m (approx. 65.68ft) whereas By-law 0225-007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

**COMMENTS:**

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to the approval of this minor variance by the Committee at this time. CVC staff have reviewed the existing accessory structure and provided approval (SP 21/Nguyen). As the accessory structure is located within the floodplain, CVC staff recommend to wet floodproof the structure.

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

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. 350) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner

**Appendix 5- Metrolinx**

Metrolinx is in receipt of the minor variance applications for 1110 Claredale Rd to facilitate the construction of a one-storey rear addition to the existing dwelling with a reduced setback from rail right of way. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters, directly adjacent to Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1110 Claredale Rd are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s).

Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review