

City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A678.22
To: Committee of Adjustment	Ward: 10
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a structure proposing the construction of a porch, which is setback 6.5m (approx. 21.33ft) from the Ninth Line Right-of-way centerline whereas By-law 0225-2007, as amended, requires a structure to be setback a minimum distance of 7.9m (approx. 26.00ft) from the Ninth Line Right-of-way centerline in this instance.

Background

Property Address: 5156 Ninth Line

Mississauga Official Plan

Character Area: Ninth Line Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-58 - Residential

Other Applications: SP 22-158

Site and Area Context

The subject property is part of a development located on the west side of Ninth Line, north of the Eglinton Avenue West intersection. It is a corner lot abutting Ninth Line. The development lands are currently vacant, with no notable landscaping or vegetative elements, however significant vegetation abuts the development on the property to the north. Lands to the south are currently vacant, while lands across Ninth Line to the east contain residential uses. Highway 407 abuts the development to the west.

The applicant is proposing a porch within the exterior side yard abutting Ninth Line, requiring a variance for the setback.



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:

The subject property is located in the Ninth Line Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development (including its elements such as driveways) 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 requested variance proposes a reduced exterior side yard. The general intent of the exterior side yard provisions of the by-law is to ensure that an adequate buffer exists between a structure's massing and the public realm. The proposed porch does not create significant massing beyond the proposed massing of the dwelling itself and maintains a significant setback from the Ninth Line right-of-way. The proposed porch is not excessive in size and the dwelling itself complies with the setback requirement.

Given the above, Planning staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, 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 townhouse will be addressed through the Building Permit Process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-3972. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or 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: Ramsen Hedoo, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

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

1. Access from the adjacent City owned lands is not permitted.
2. Construction access from the adjacent City owned lands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
5. Fees and securities may be taken associated with development application SP 20 – 84 & 21T-M19006.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Minor Variance Application: A-22-678M / 5156 Ninth Line

Servicing: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the

applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Planning: Patrycia Menko (905) 791 7800 x3114

- As there appears to have been a recent change in address, the address provided (5156 Ninth Line) for the subject property does not match our internal records along the Ninth Line corridor. Our understanding is that the subject property is south of and excluding the woodland designated as a Core Area of the Greenlands System in the Region of Peel Official Plan, and west of Quiet Creek Drive; the Region's following comments apply to those lands.
- We have no objections to the proposed setback from the Ninth Line ROW centreline to the townhouse structures.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services