

City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A720.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing accessory structure proposing:

1. A shed located in a G2-3 Zone whereas By-law 0225-2007, as amended, does not permit a shed in a G2-3 Zone in this instance and,
2. A shed with a rear yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 15.00m (approx. 49.21ft) in this instance.

Background

Property Address: 1551 Hollywell Ave

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R2-21- Residential and G2-3- Greenland

Other Applications: None

Site and Area Context

The subject property is located north-west of the Creditview Road and Hollywell Avenue intersection in the East Credit neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. The site backs onto the Credit River, but the property contains limited landscaping and vegetative elements in both the front and rear yards. The surrounding area context is residential in nature, consisting exclusively of detached dwellings on lots generally smaller than the subject property.

The applicant is proposing to maintain the shed in the rear yard, requiring variances for a structure in a G zone and rear yard 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 East Credit Neighbourhood Character Area and is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The shed currently under application is located on the portion of the property designated and zoned Greenlands. The Greenlands designation is restrictive in its permissions, generally limited to recreational and infrastructure uses. The G2-3 zoning is

designed to be a buffer to a natural heritage feature as well as to protect against and prevent erosion.

The subject property and associated hazard lands are regulated by the Credit Valley Conservation Authority, and on matters such as these Planning staff rely on the expertise of the CVC's review of the application. Credit Valley Conservation have reviewed the proposal and note objections to the proposal, calling for the shed to be removed from the hazard lands.

Given the position of CVC staff on the application, Planning staff are of the opinion that the proposal does not represent appropriate development of the subject property and does not maintain the intent of the zoning by-law. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing accessory structure and we note that we have no drainage related concerns with the request.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Amy Campbell, Planner-in-Training

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:

The lands to the rear of the property are owned by the City of Mississauga, identified as Hyde's Mill Hollow (P-282) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. 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.
1. If future construction is required, access from the adjacent park/greenlands 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 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 – Credit Valley Conservation

Re: CVC File No. A 22/720
Municipality File No. A 720/22
Gaurav and Lisa Guleria, Gurcharan Guleria
1551 Hollywell Ave
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. 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);
2. 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;
3. 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:

Based on our mapping, the subject property is located partially within the floodplain and slope hazard associated with Credit River. 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).

The proposed works are located within CVC's Regulated Area. Please see the Comments section below for details regarding a CVC permit.

Proposal:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow an existing accessory structure proposing:

1. A shed located in a G2-3 Zone whereas By-law 0225-2007, as amended, does not permit a shed in a G2-3 Zone in this instance and,
2. A shed with a rear yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 15.00m (approx. 49.21ft) in this instance.

Comments:

CVC staff have reviewed the provided information and have **concerns** with the requested variance. The existing shed is located in hazardous land regulated by CVC for floodplain and/or slope hazard. CVC recommends that the shed be moved out from these hazard lands. As such, CVC staff **object** to the approval of this minor variance by the Committee at this time.

As noted, the proposed works are located within CVC's Regulated Area; however, the CVC permit requirement will be waived to move the existing shed out from the hazardous lands.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Beata Pakulski – Junior Planner, Planning and Development Services

Appendix 5 – Region of Peel

We have no comments or objections.

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