

# City of Mississauga Department Comments

Date Finalized: 2023-01-18	File(s): A515.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-01-26 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to permit a first storey deck and/or second storey balcony on Block 1, Units 1,2 and 3 whereas By-law 0225-2007, as amended, does not permit a first storey deck and/or second storey balcony on Block 1, Units 1,2 and 3.

## Background

**Property Address:** 46 Main Street #36

### Mississauga Official Plan

Character Area: Streetsville Neighbourhood  
Designation: Residential Medium Density

### Zoning By-law 0225-2007

**Zoning:** RM5-57

**Other Applications:** SP 19-146, 21T-M 17007

### Site and Area Context

The subject property is located on the north-east corner of the Main Street and Wyndham Street intersection in Streetsville. The site is currently vacant with active development applications to facilitate the construction of townhouse dwellings. Some vegetative elements are present on the

subject property. The surrounding area context is primarily residential, consisting of a mix of detached, townhouse and apartment dwellings on lots of varying sizes. There is also significant open space associated with the nearby Credit River.

The applicant is proposing to construct decks and balconies on three of the proposed units, requiring a variance to permit decks and balconies.



## 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 Streetsville Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings and low rise apartments. Section 9 of MOP promotes development 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 subject application was previously before the Committee at the November 10, 2022 hearing, where staff recommended refusal of the application. The application remains substantially similar to the original proposal, and staff are unaware of any proposed mitigating

measures regarding staff's concerns. The comments from the previous hearing therefore remain applicable.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application, SP 19-146. We also note that the City has processed Rezoning Application OZ17/020 and File T-M17007 for this development

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 19-146. Based on review of the information currently available for this application, the variance, as requested is correct.

Our comments are based on the plans received by Zoning staff on 12/16/22 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, 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:

Given that the property is subject to development application TM 17 007 (Subdivision/Rezoning), all of Community Services' comments and/or requirements are being addressed through the development application.

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

The lands to the rear of the property are owned by the Credit Valley Conservation, leased by the City owned lands, identified as Timothy Street Park (P-127) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. 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. Construction 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.
  4. 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Credit Valley Conservation**

Re: CVC File No. A 22/515  
Municipality File No. A 515/22  
Ravines on Main Inc.  
36-46 Main St  
Part of Lot 4, Con 4 WHS  
City of Mississauga

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;
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 the Credit River. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS (CRWNHS).

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 permit a first storey deck and/or second storey balcony on Block 1, Units 1, 2, and 3 whereas Bylaw 0225-2007, as amended, does not permit a first storey deck and/or second storey balcony on Block 1, Units 1,2, and 3.

**Comments:**

Based on our review of the information, CVC staff have no concerns with the requested variance. CVC staff have reviewed and provided comment on the Site Plan application (SP 19/146) and issued a permit (FF 22/164) for the proposed development. As such, CVC staff have no objection to the approval of this minor variance by the Committee at this time.

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: Beata Pakulski – Junior Planner, Planning and Development Services