

City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A51.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. The applicant may wish to defer the application to ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing an interior side yard setback of 1.8m (approx. 5.9ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.2m (approx. 13.8ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing a southerly interior side yard setback of 1.8m (approx. 5.9ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.2m (approx. 13.8ft) in this instance.

Background

Property Address: 928 Mississauga Heights Dr

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R1-8- Residential

Other Applications: SPI 22-146

Site and Area Context

The subject property is located in the Erindale neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. Significant mature vegetation is present in both the front and rear yards. The surrounding area context is predominantly residential, consisting of detached dwellings on lots of varying sizes. The property slopes down towards the rear, where it backs onto the Mississauga Golf and Country Club and the Credit River.

The applicant is proposing to construct a new dwelling requiring a variance for side 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Erindale Neighbourhood Character Area and is designated both Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The entirety of the proposed dwelling rests on the portion of the property designated Residential Low Density I, which permits detached dwellings.

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 property also forms part of Special Site 2 within the Erindale Neighbourhood Character Area policies, which set out additional development and design criteria for redevelopment in the area. Staff note that the proposed development is sensitive to the existing tree cover on the property, is generally located on the same portion of the lot as the existing dwelling, and represents an improvement to the side yard condition on the side where the variance is requested.

Staff are of the opinion that the proposal conforms to both the designation and the additional policies as set out in Special Site 2. The application therefore maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The only requested variance relates to the westerly side yard setback on the property. The intent of the side yard regulations are to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered.

Planning staff are satisfied that access to the rear yard can be appropriately provided and that there are sufficient setbacks to allow for appropriate drainage. The requested setback is only for a portion of the dwelling and expands to 5.65m (18.54ft) near the front of the dwelling. The proposed setback represents an improvement from the existing condition on that side of the dwelling, and staff note that no variances for height or gross floor area have been requested that would result in additional massing impacts.

Staff are satisfied that the proposal will provide an adequate buffer, maintain appropriate drainage patterns and permit unobstructed access to the rear yard. Staff therefore are of the opinion that the variance maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposal represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape when compared to an as of right condition. The requested variance, in the opinion of staff, is minor in nature.

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 new dwelling 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 Site Plan application permit under file SPI 22-146 W7. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

2. The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing a southerly interior side yard setback of 1.8m (approx. 5.9ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.2m (approx. 13.8ft) in this instance.

Also, we advise that 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- Region of Peel

Minor Variance Application: A-51/23 - 928 Mississauga Heights Drive

Development Engineering: 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.

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment:

- Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation Authority (CVC). 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: Patrycia Menko, Junior Planner

Appendix 4- CVC Comments

Re: CVC File No. A 23/051

Municipality File No. A 051/23

Xin Jin and Weidong Tie

928 Mississauga Heights Drive

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 within the valleyslope and floodplain 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).

Proposal:

The property owner of 928 Mississauga Heights Dr, zoned R1-8- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing an interior side yard setback of 1.8m (approx. 5.9ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.2m (approx. 13.8ft) in this instance.

Comments:

CVC staff have reviewed the provided information and have **no concerns** with the requested minor variance and **no objection** to the approval of this minor variance by the Committee at this time.

A CVC permit is required for this proposal as it appears to be located within a CVC Regulated Area.

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

Comments Prepared by: Beata Pakulski, Junior Planner