

# City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A43.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A front yard setback to the garage of 4.75m (approx. 15.58ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the garage of 9.00m (approx. 29.53ft) in this instance;
2. A front yard setback to the front porch of 3.89m (approx. 12.76ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the garage of 9.00m (approx. 29.53ft) in this instance;
3. Soft landscaping of 39.1% whereas By-law 0225-2007, as amended, requires a minimum soft landscaping of 40% in this instance;
4. Combined width of access points of 9.00m (approx. 29.53ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of 8.50m (approx. 27.89ft) in this instance;
5. A flat roof height of 8.83m (approx. 28.97ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
6. An eaves height of 7.91m (approx. 25.95ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 7.50m (approx. 24.61ft) in this instance;
7. An eave overhang into the front yard of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang into the front yard of 0.45m (approx. 1.48ft) in this instance;
8. An eave overhang into the east side yard of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang into the east side yard of 0.45m (approx. 1.48ft) in this instance;
9. An eave overhang into the west side yard of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang into the west side yard of 0.45m (approx. 1.48ft) in this instance;
10. An eave overhang into the rear yard of 0.61m (approx. 2.00ft) whereas By-law 0225-

2007, as amended, permits a maximum eave overhang into the rear yard of 0.45m (approx. 1.48ft) in this instance; and,

11. A combined side yard width to eaves of 6.40m (approx. 21.00ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.23m (approx. 27.00ft) in this instance.

## Background

**Property Address:** 1220 Stavebank Rd

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-1 - Residential

**Other Applications:** SPI 18-63

### Site and Area Context

The subject property is located on the west side of Stavebank Road, south of the Mineola Road West intersection. Directly west of the subject property is the Credit River. The surrounding area context is primarily residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a one-storey detached dwelling with mature vegetation in the rear yard.

The applicant is proposing a two-storey detached dwelling requiring variances related to setbacks, soft landscaping, driveway access points, height, and eave overhangs.



## 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:

Staff have reviewed the applicant's minor variance request and are of the opinion that the requested variances may be inaccurate and that additional variances may be required. Combined side yard width is not measured to eaves as shown in variance #11. Furthermore, dwelling height is measured from average grade, not established grade.

Planning staff rarely support proposals for deficient soft landscaping (variance #3). Furthermore, staff are of the opinion that the applicant's request for reduced front yard setbacks (variances #1, and 2) is not minor in nature. Staff recommend that the applicant consider greater front yard setbacks to the proposed dwelling to remove variance #3 and improve the front yard setbacks.

As such, staff recommend that the application be deferred to allow the applicant an opportunity to meet with Zoning staff to confirm the accuracy of the requested variances and to determine if additional variances and/or building permits are required. Once accurate variances have been identified, staff recommends that the applicant addresses concerns raised above and discusses the proposal with Planning staff prior to resubmission.

Comments Prepared by: Connor DiPietro, 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 dwelling will be addressed through the future Building Permit process.







Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

### SP RECEIVED, AMEND VARIANCE

The Building Department is currently processing a site plan approval application under file SPI 18-63. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A front yard setback to the garage face of 4.75m (approx. 15.58ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the garage face of 9.00m (approx. 29.53ft) in this instance;
2. An encroachment of a porch, inclusive of stairs, of 5.50m into the required front yard whereas By-law 0225-2007, as amended, permits a maximum encroac.60m into the required front yard in this instance;
5. A flat roof height of 9.16m whereas By-law 0225-2007, as amended, permits a maximum

flat roof height of 7.50m (approx. 24.61ft) in this instance;

6. An eaves height of 8.24m whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6m encroachment into .40m in this instance;

7. An eave encroachment into the required front yard of 5.45m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into the required front yard of 0.45m (approx. 1.48ft) in this instance;

The following variances are to be added;

-A front yard setback of 4.45m to the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.0m in this instance;

Additionally, we note that variances 8, 9, 10, and 11 are not required.

Our comments are based on the plans received by Zoning staff on 05/10/22 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: A. 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:

The lands adjacent on both sides of the property are owned by the City of Mississauga, identified as Credit River Flats (P-066), classified as a 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.

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

1. Additional comments, fees and securities may be taken associated with development application SP 18-63.

2. Construction access from the adjacent park/greenlands 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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
6. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
7. 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-law.

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

#### **Appendix 4 – CVC**

**Re: CVC File No. A 23/043**  
**Municipality File No. A 43/23**  
**Erin and Paul Watzinger**  
**1220 Stavebank Road**  
**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 regulated for floodplain and slope hazard associated with Credit River and is on/adjacent to the Credit River Marshes PSW. 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 property owner of 1220 Stavebank Rd, zoned R1-1 - 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:

1. A front yard setback to the garage of 4.75m (approx. 15.58ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the garage of 9.00m (approx. 29.53ft) in this instance;
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10. An eave overhang into the rear yard of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang into the rear yard of 0.45m (approx. 1.48ft) in this instance; and,

11. A combined side yard width to eaves of 6.40m (approx. 21.00ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.23m (approx. 27.00ft) in this instance.

**Comments:**

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided comment on a Site Plan Approval application (SP18/063) for the proposed development. A CVC permit is required for the proposed development and any outstanding concerns will be addressed during the CVC permit application process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

As mentioned above, a CVC permit is required for the development as proposed. Upon approval of the minor variance, please contact CVC directly for the next steps related to the CVC permit application process.

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

**Appendix 5- Metrolinx**1220 Stavebank Rd

Metrolinx is in receipt of the minor variance application for 1220 Stavebank Rd to facilitate the construction of a new 2-storey dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact

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[Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

Comments Prepared by: Farah Faroque, Intern

## Appendix 6- Region of Peel

### Minor Variance: A-23-043M – 1220 Stavebank Road

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](mailto:siteplanservicing@peelregion.ca).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto: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](mailto:siteplanservicing@peelregion.ca).

Planning: Patrycia Menko (905) 791-7800 x3114

#### Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We, therefore, request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the CVC Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CA for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- Our review of the application does not indicate site alterations at the south of the property. We also recognize the existing stairs, patio, retaining walls, and frame dock within the valley corridor and Regional flood limit are to remain. However, given the

subject site location within environmentally sensitive areas, we still defer to the CVC for their comments.

Comments Prepared by: Patrycia Menko, Junior Planner