

City of Mississauga Department Comments

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| Date Finalized: 2023-06-07 | File(s): A148.23 Ward: 11 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2023-06-15 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 variances 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 new dwelling proposing:

1. A driveway width of 7.60m (approx. 24.94ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.48m (approx. 14.70ft) in this instance;
2. A setback of eaves to the interior side lot line of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
3. A setback of a below grade deck to a G1 Zone of 1.92m (approx. 6.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
4. A setback of a rear covered porch to a G1 Zone of 1.79m (approx. 5.87ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
5. A setback of the dwelling to a G1 Zone of 2.12m (approx. 6.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
6. A setback of eaves to a G1 Zone of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
7. A setback of the front porch to a G1 Zone of 2.11m (approx. 6.92ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
8. A setback of a driveway hammerhead from a G1 Zone of 1.07m (approx. 3.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
9. A setback of a driveway from a G1 Zone of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
10. A setback of a low stone landscape wall from a G1 Zone of 1.91m (approx. 6.27ft)

whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance; and,

11. A setback of a built-in planter to a G1 Zone of 4.56m (approx. 14.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance.

Background

Property Address: 543 Ferncrest Way

Mississauga Official Plan

Character Area: Meadowvale Village NHD
Designation: Res Low Density II

Zoning By-law 0225-2007

Zoning: R16-2 - Residential

Other Applications: A144.23, A145.23, A146.23, A147.23, A149.23

Site and Area Context

The subject property is located south-west of the McLaughlin Road and Rothschild Trail intersection in the Meadowvale Village neighbourhood. The property has a lot area of +/- 1274.01 m² (+/- 13713.32 ft²), with a lot frontage of +/- 8.4 m (+/- 27.55 ft). The lot is currently vacant. The surrounding area context is predominantly residential, consisting of detached dwellings on similarly sized lots. The property is in close vicinity of publically and privately owned open spaces on the south and east side. Limited landscaping and vegetative elements are present on the subject property.

The applicant is proposing a new dwelling requiring variances for the driveway width, the setbacks of eaves, below grade deck setback to a G1 zone, rear covered porch setback to a G1 zone, setback of the dwelling to a G1 zone, front porch setback to a G1 zone, setback of a driveway hammerhead from a G1 zone, driveway setback from a G1 zone, low stone landscape wall setback from a G1 zone and setback for a built-in planter to a G1 zone.



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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits varying built forms, including detached dwellings, semi-detached dwellings, duplex dwellings, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. 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 proposal maintains the residential character of the lot and surrounding area, and therefore staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance 1 requests an increase in the driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. Staff note that the increase in the driveway width is for the turning radius to align with the garage, and the width further narrows down at the proposed access from the road. Staff are satisfied that the

proposed width will not allow for excessive parking and maintains sufficient soft landscaping area consistent with the character of the surrounding area.

Variance 2 requests a reduction in the setback of eaves to the interior side lot line. Staff note that the side property line of the subject property is not parallel to the proposed structure and note that the proposed setbacks is measured to a pinch point on one corner and increases from there. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. Staff are satisfied that the proposal maintains an appropriate setback from the side lot line as variance is only required at that pinch point with the setback increasing from there

Variances 3, 4, 5, 6, 7, 10 and 11 request a reduction in the setback of a below grade entrance, a rear covered porch, building wall, eaves, front porch, low stone landscape wall and built-in planter to a G1 zone. The intent of this portion of the by-law is to ensure that there is an appropriate buffer to the natural feature. Staff note that the proposed setback variances to the dwelling are only at one corner (the pinch point) and increase from there. Furthermore, the Credit Valley Conservation Authority has raised no objections to the proposal. The City relies on the expertise of the Credit Valley Conservation Authority on matters relating to natural features and are in agreement with their position. Staff are therefore satisfied that the proposal maintains appropriate setbacks which increase from the pinch point.

Variances 8 and 9 propose reductions in the setbacks of a driveway hammerhead and driveway from a G1 zone. The intent of this portion of the by-law is to ensure that proposed development will not pose a significant or lasting negative impact to the neighbouring environmentally sensitive lands and provide an appropriate buffer to the natural feature. Staff note that the Credit Valley Conservation Authority has raised no objections to the proposal. The City relies on the expertise of the Credit Valley Conservation Authority on matters relating to natural features and are in agreement with their position.

Given the above Planning staff are satisfied that the application 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?

Planning staff are satisfied that the variances, both cumulatively and individually, are minor in nature. Furthermore the proposal represents appropriate development of the subject property for permitted uses.

Comments Prepared by: Shivani Chopra, Planner in Training

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: 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: Brooke Herczeg, 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 to the rear of the property are owned by the City of Mississauga, identified as Fletcher's Flats (P-428), 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...

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

1. Given that the property is subject to a development application, all of Community Services' comments and/or requirements are being addressed through SP 18-38.
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.

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 – CVC

Re: CVC File No. A 23/144-149
Municipality File No. A 144-149/23
Fuad Mashal
129 Fairview Road West
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject applications 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 properties are regulated for floodplain and slope hazard associated with Fletcher's Creek. 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 properties are 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).

Proposals:

A 23/144

It is our understanding that the property owner of 513 Ferncrest Way, zoned R16-2 - Residential, has applied for minor variances 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 setback of the garage face to the common element condominium road/sidewalk of 5.20m (approx. 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
2. A rear yard setback of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
3. A setback of eaves from the rear lot line of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.05m (approx. 23.13ft) in this instance.

A 23/145

It is our understanding that the property owner of 519 Ferncrest Way, zoned R16-2 - Residential, has applied for minor variances 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 setback of the garage face to the common element condominium road/sidewalk of 5.20m (approx. 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
2. A rear yard setback of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A setback from the window well to the rear lot line of 6.35m (approx. 20.83ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.50m (approx. 21.33ft) in this instance; and,
4. A setback of eaves from the rear lot line of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.05m (approx. 23.13ft) in this instance.

A23/146

It is our understanding that the property owner of 525 Ferncrest Way, zoned R16-2 -Residential, has applied for minor variances 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 a front yard setback to the landscape wall of 3.01m (approx. 9.88ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.50m (approx. 14.76ft) in this instance.

A 23/147

It is our understanding that the property owner of 537 Ferncrest Way, zoned R16-2 - Residential, has applied for minor variances 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 minimum lot frontage of 10.89m (approx. 35.73ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A front yard setback of 2.61m (approx. 8.56ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A setback of eaves to the front lot line of 1.86m (approx. 6.10ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.05m (approx. 13.29ft) in this instance;
4. A lot coverage of 35.82% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
5. A driveway width of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.44m (approx. 17.85ft) in this instance.

A 23/148

The property owner of 543 Ferncrest Way, zoned R16-2 - Residential, has applied for minor variances 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 driveway width of 7.60m (approx. 24.94ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.48m (approx. 14.70ft) in this instance;
2. A setback of eaves to the interior side lot line of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
3. A setback of a below grade deck to a G1 Zone of 1.92m (approx. 6.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
4. A setback of a rear covered porch to a G1 Zone of 1.79m (approx. 5.87ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
5. A setback of the dwelling to a G1 Zone of 2.12m (approx. 6.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
6. A setback of eaves to a G1 Zone of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
7. A setback of the front porch to a G1 Zone of 2.11m (approx. 6.92ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
8. A setback of a driveway hammerhead from a G1 Zone of 1.07m (approx. 3.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
9. A setback of a driveway from a G1 Zone of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
10. A setback of a low stone landscape wall from a G1 Zone of 1.91m (approx. 6.27ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance; and,
11. A setback of a built-in planter to a G1 Zone of 4.56m (approx. 14.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance.

A23/149

The property owner of 0 McLaughlin Road, zoned R16-2 - Residential, has applied for minor variances under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a common element road and common element sidewalk proposing:

1. A common element road width of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum width of 7.00m (approx. 22.97ft) in this instance; and,
2. A common element sidewalk width of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum width of 2.00m (approx. 6.56ft) in this instance.

Comments:

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the requested minor variances by the Committee at this time. CVC staff have reviewed the proposed developments through Site Plan Approval (SP 18 38 W11) and Plan of Subdivision (T-M6005 W11).

Regarding file A 23/146 it is our understanding that there is no encroachment into the G1 Zone and as such we have no objection.

CVC permits are required for the developments as proposed. Upon approval of the Minor Variances, the applicant is to contact CVC to apply for permits.

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, Planner

Appendix 5 – Region of Peel**Minor Variance: A-23-144M – A-23-148M – 513 to 543 Ferncrest Way**

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.

Planning: Patrycia Menko (905) 791-7800 x3114

- The following applications fall within the regulated area of the Credit Valley Conservation Authority (CVC): A-23-144M, A-23-147M, A-23-148M, A-23-149M. 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.

- Please also be advised that applications A-23-148M and A-23-149M are located within a Core Valley Corridor Area of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan (ROP). Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exceptions of listed in 2.14.15, which are subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Patrycia Menko, Junior Planner