

# City of Mississauga Department Comments

Date Finalized: 2023-06-07	File(s): A149.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-15 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variance 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 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.

## Background

**Property Address:** 0 McLaughlin Road

### 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, A148.23

## 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 +/- 1060.89 m<sup>2</sup> (11419.32 ft<sup>2</sup>), with a lot frontage of +/- 8.94 m (29.33 ft). The lot is currently vacant and abuts McLaughlin Road. 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 the construction of a common element road and common element sidewalk requiring variances for width for both the road and sidewalk.



## 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 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 applicant is proposing variances to the common element road width and the common element sidewalk width. While the proposed walkway and common element road will not meet the size requirement of the by-law, it will provide appropriate access to the units intended to be serviced. Furthermore, the Transportation and Works staff has not raised any concerns. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection of this property and from the attached photos it is evident that the common element road has been constructed. We have reviewed our files and note that this development was reviewed under SP 18-38, however that application was withdrawn and we assume this was because it is classified under the 10 lot threshold with Bill 23. We further note for the Committee's information, that the proposed 6.0m road width does not meet the City's minimum condominium road width of 7.0m, and the proposed 1.2m wide sidewalk does not meet the City's minimum requirement of 2.0m wide for private roads. We submit the following photographs of the current site conditions for the Committee's reference.











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](mailto: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

We have no comments or objections

Comments Prepared by: Patrycia Menko, Junior Planner