

City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): A189.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 3:30:00 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 a dwelling proposing:

1. A dwelling depth of 35.89m (approx. 117.75ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A building height of 8.07m (approx. 26.48ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
3. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
4. 2 driveways whereas By-law 0225-2007, as amended, permits a maximum of 1 driveway in this instance;
5. An interior side yard setback of 1.84m (approx. 6.04ft) whereas By-law 0225-2007, as amended, permits a maximum interior side yard setback of 2.41m (approx. 7.91ft) in this instance.

Background

Property Address: 801 Meadow Wood Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands

Zoning By-law 0225-2007

Zoning: R1-2 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of the Lakeshore Road West and Meadow Wood Road intersection. The immediate area is entirely residential consisting of large lots with significant vegetation and one to two-storey detached dwellings. The subject property is adjacent to Rattray Marsh Conservation Area, which is listed as a Cultural Heritage Landscape and contains Sheridan Creek. The subject property contains a two-storey detached dwelling with mature vegetation throughout the lot.

The application proposes a new two-storey dwelling, requiring variances related to building height, dwelling depth, side yard setback, and the number of garages and driveways.



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:

The subject property is designated Greenlands in Schedule 10 of the Mississauga Official Plan (MOP), which only permits developments for lots of record that do not extend into the regulated storm floodplain or hazard lands. The intent of the Greenlands designation is to protect any

natural features or hazards on-site. This department relies on the expertise of the Credit Valley Conservation Authority (CVC) and Community Services Department in these matters. CVC and Community Services have no concerns with the applicant's proposal.

Variance #1 relates to dwelling depth. The intent of dwelling depth zoning provisions is to minimize impacts of long walls on abutting lots as a result of the building massing. The overall dwelling depth has the appearance of a long continuous wall along the southerly property line. The entire depth of the dwelling abuts the neighbouring property to the south. Furthermore the building's massing is not appropriately broken up with design features or building materials. This results in increased overall building massing that will negatively impact the property to the south. Staff is also of the opinion that this variance is excessive. Furthermore, the applicant's request for a reduced setback to the second storey of the dwelling (variance #5) will exacerbate the building's massing impact on the adjacent property to the south.

As such, Planning staff recommend that the application be deferred to address the above noted concerns.

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 by our Development Construction Section through the future Building Permit process. The previously circulated File BP 9NEW-21/4682 was a completely different proposal.





Comments Prepared by: John Salvino, 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 Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Etobicoke Valley (P-238). These lands are 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. 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.

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 23/189
Municipality File No. A 189/23
2809687 Ontario Inc.
801 Meadow Wood Rd
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 appears to be regulated due to regulatory storm floodplain and meander belt associated with Sheridan 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 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).

A CVC permit is required.

Proposal:

It is our understanding that the property owner of 801 Meadow Wood Road, zoned R1-2 - 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 a dwelling proposing:

1. A dwelling depth of 35.89m (approx. 117.75ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
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5. An interior side yard setback of 1.84m (approx. 6.04ft) whereas By-law 0225-2007, as amended, permits a maximum interior side yard setback of 2.41m (approx. 7.91ft) in this instance.

Comments:

The proposed development appears to encroach into the flood and meander belt hazards associated with Sheridan Creek. On this basis, CVC staff request a **deferral** of this application to the Committee until such time that the proposed development has been relocated elsewhere on the property outside of the hazards.

The applicant is advised to contact the undersigned for pre-consultation and CVC permitting requirements.

Upon approval of the requested Minor Variance, the applicant is to contact the undersigned to apply for a CVC permit that is required for development on the subject property, prior to obtaining a building permit from the City.

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 Application: A-23-189M – 801 Meadow Wood Rd

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 the 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 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 CVC 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.
- Please also be advised the subject land is located within a Core Woodland and Valley Corridor of the Greenlands System in Peel as identified under policy 2.14.12 of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of ROP policies 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