

City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A196.23 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 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 a dwelling proposing:

1. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
2. A detached garage height of 5.35m (approx. 17.55ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.6m (approx. 15.09ft) in this instance;
3. A driveway width of 17.40m (approx. 57.09ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
4. A setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance; and,
5. A detached garage area of 77.00sq m (approx. 828.82sq ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage area of 75.00sq m (approx. 807.29sq ft) in this instance.

Background

Property Address: 2777 Mississauga Road

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

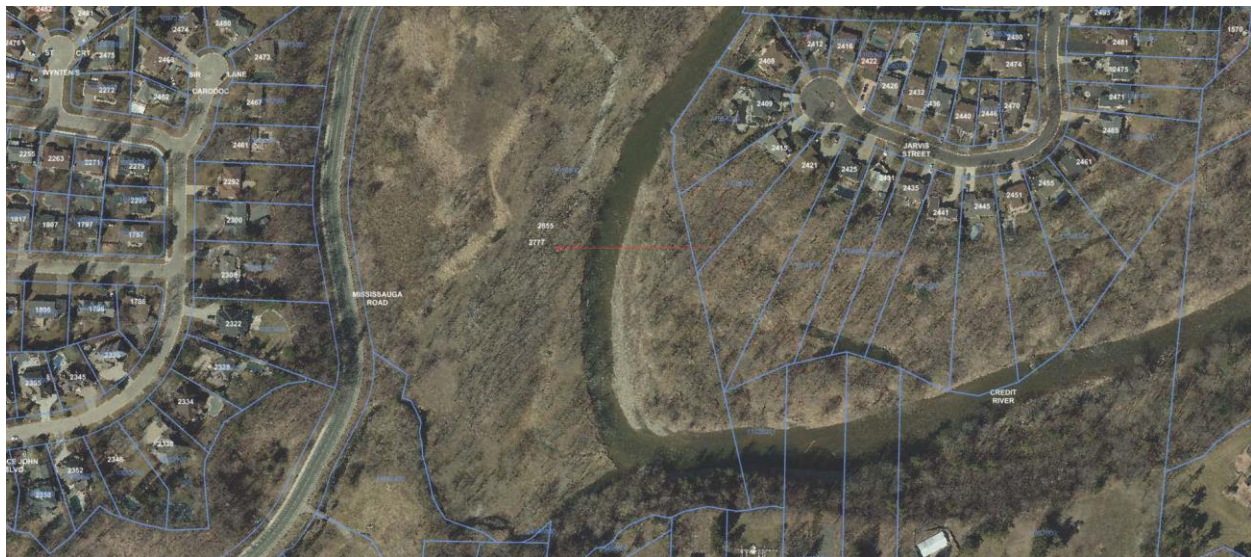
Zoning: R1- Residential

Other Applications: none

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, on a large property southwest of the Dundas Street West and Mississauga Road intersection. The immediate area entirely consists of environmentally sensitive lands and one and two storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing driveway and accessory structure based on aerial imagery.

The applicant is proposing a new two-storey detached dwelling and detached garage requiring variances for the number of garages, garage height, driveway width, driveway setback and garage area.



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:

Planning staff discussed the application with Credit Valley Conservation (CVC) staff on June 26th, 2023. CVC staff are of the opinion that the minor variance application is premature, as the

applicant has not demonstrated to CVC that the proposal can meet CVC's requirements. The Park Planning Section of the Community Services Department also recommends deferral to allow the applicant an opportunity to submit a scoped Environmental Impact Study (EIS), Arborist Report and Tree Preservation Plan for review and approval. Staff note that the proposal is located within a floodplain. Planning staff echo concerns raised by CVC and the Park Planning Section and are of the opinion that CVC and Parks Planning matters should be addressed prior to approval of any variances. As such, staff recommend that the application be deferred to allow the applicant an opportunity to provide CVC and Parks Planning staff with the requested information and documents.

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 garages will be addressed by our Development Construction Section through the future Building Permit process.

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 concerns with the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not To Be Named (P-241) *(NE of Shawanaga Tr), 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...
- f) controlling activities that may be incompatible with the retention of the Natural Heritage System and other public open spaces.

The subject property is within the floodplain of Loyalist Creek, as well as the associated Significant Valleyland, both of which forms the City's Natural Heritage System.

The Park Planning Section of the Community Services Department recommends the application be deferred to address the following notes:

1. The proposed development is adjacent to the Natural Heritage System. A scoped Environmental Impact Study (EIS) is to be submitted for review and approval. A checklist can be provided for reference upon request.
2. An Arborist Report and Tree Preservation Plan is to be submitted for review and approval.
3. Confirmation is required from the Credit Valley Conservation Authority and the City that the proposed septic bed meets the required setbacks from watercourses to ensure the protection of the aquatic ecosystem. The current proposed location of the septic bed is within areas susceptible to bank and/or soil erosion.

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.
4. 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.
5. 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.

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: City File No. A196.23
CVC File No. A 23/196
Mackenzie DeMan
2777 Mississauga Road
Part of Lot 3, Range 2 SDS
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.

CVC REGULATED AREA:

Based on our mapping, the property at 2777 Mississauga Road in Mississauga is traversed by Loyalist Creek and subject to the floodplain and slope hazards associated with Loyalist Creek and the Credit River. As such, 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). Any development proposed on the property will require a CVC permit and will need to be in compliance with CVC's policies.

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve minor variances on the subject property to permit:

- 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;

A detached garage height of 5.35m (approx. 17.55ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.6m (approx. 15.09ft) in this instance;

- A driveway width of 17.40m (approx. 57.09ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
- A setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance; and,
- A detached garage area of 77.00sq m (approx. 828.82sq ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage area of 75.00sq m (approx. 807.29sq ft) in this instance.

COMMENTS:

CVC staff previously reviewed proposed development on this property through Site Plan application SP 20/096 and provided comments based on our interests. We understand that the site is no longer subject to site plan control; however, our comments are still applicable to our regulatory role for CVC permitting requirements.

Based on our review of the Site Grading and Servicing Plan prepared by Skira & Associates Ltd. (March 2023), we had previous comments that have not been addressed that will likely impact

the proposal and subsequently the minor variances being requested at this time. For example, we had previous concerns with the location of the proposed detached garage due to depths of flooding and potential impacts to the floodplain. The constraints to development (e.g., long term stable slope line, top of bank, toe of slope, depths of flooding, buffers, etc.) need to be appropriately delineated and shown on the plans to confirm that the proposed development can meet CVC's policies.

As such, we are not in a position to support the current proposal at this time, and further information is required to confirm the appropriate building envelope in accordance with CVC policies. The applicant should review CVCs previous comments and provide updated reports and plans accordingly.

Please be advised that a CVC permit will be required prior to any development proposed on the property.

Conclusion:

Based on the above, CVC staff believe the application is premature and **recommend deferral** of the requested minor variances by the Committee until the above concerns have been addressed to the satisfaction of CVC.

We are happy to work directly with the applicant to clarify any of our previous comments and provide further guidance through our pre-consultation process. The applicant can reach out to Stuti Bhatt (stuti.bhatt@cvc.ca) to continue this process and confirm requirements for the CVC permit process.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x 325). Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5- Region of Peel**Minor Variance: A-23-196M – 2777 Mississauga Road**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Development Engineering: Iwona Frandsen (905) 791-7800 x7920

Comments:

- This site does not have frontage on existing municipal water.
- This site does not have frontage on existing municipal sanitary sewer.
- There is a Regional sanitary sewer easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain

restrictions apply with respect to Regional easements as per the documents registered on title.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject property 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 property is also located within a Core Woodland of the Greenlands System in Peel as identified under policy 2.14.12 of the Regional Official Plan (ROP). Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of ROP policy 2.14.15, which is 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 policy 2.14.17).
- In 2017, the Region of Peel entered a Transfer, Release & Abandonment Schedule with the property owner. A portion of the 45m sanitary trunk sewer easement identified as Parts 4 on 5 on Reference Plan 43R-36291 were abandoned by the Region of Peel (Instrument # PR3244646).
- The existing asphalt driveway, existing rock wall, and new asphalt driveway appear to encroach over the remaining existing easement.

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Development Engineering: Iwona Frandsen (905) 791-7800 x7920

Planning: Patrycia Menko (905) 791-7800 x3114

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works and Region of Peel, Real Estate shall be made with respect to a revised site plan and servicing drawing showing the new easement limits.
- The applicant must complete an Encroachment Review. An Encroachment Agreement between the Region and the owners may be required to permit the asphalt driveway, existing rock wall, and new asphalt driveway.

Comments Prepared by: Patrycia Menko, Junior Planner