

# City of Mississauga Department Comments

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| Date Finalized: 2023-07-19                | File(s): A200.23                      |
| To: Committee of Adjustment               | Ward: 11                              |
| From: Committee of Adjustment Coordinator | Meeting date:2023-07-27<br>1:00:00 PM |

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing an interior side yard setback to a below grade entrance of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 878 Silverthorn Mill Ave

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

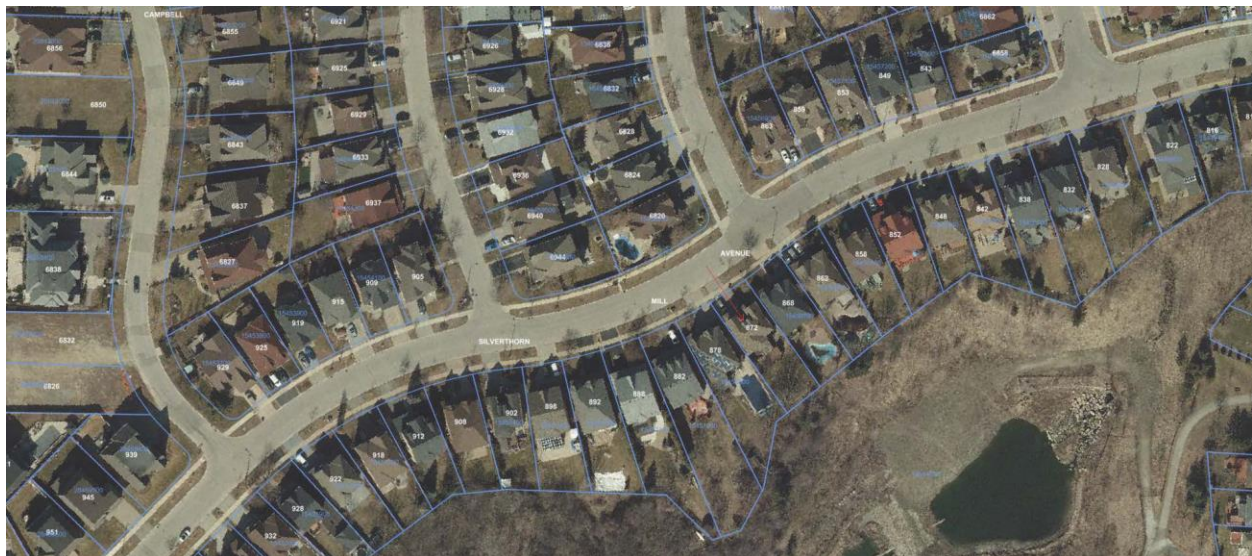
**Zoning:** R9- Residential, G2-1- Greenlands

**Other Applications:** None

## Site and Area Context

The subject property is located west of the Mavis Road and Craig Carrier Court intersection in the Meadowvale Village neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping/vegetative elements are present in both the front and rear yards. The property has an approximate lot area of +/- 859m<sup>2</sup> (+/- 9246.20ft<sup>2</sup>) and a lot frontage of +/- 12.98m (+/- 42.58ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance for a planned secondary unit requiring a variance for side yard setback.



## Comments

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).

The general intent of the side yard regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard remains unencumbered. Staff note that the stairs do not create any additional massing that could impact abutting properties. Furthermore, Transportation & Works staff have raised no drainage concerns with the site.

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Access to the rear yard remains unencumbered as an appropriate access to the rear yard can be achieved from either side of the dwelling.

Staff note there is an existing as-built rear yard below grade entrance on the subject property. This entrance, as confirmed by the applicant, facilitates access into the homeowner's recreational room in the basement. The applicant further confirmed the proposed side yard below grade entrance will facilitate access to a planned secondary unit.

Staff are therefore of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance as it will not impact or alter the existing grading and drainage pattern for this property.







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: Sibila Lass Weldt, 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 to 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. 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – CVC**

**Re: CVC File No. A23/200**

**Municipality File No. A200.23**

Devendra Sharma

**878 Silverthorne Mill Ave**

**Lot 10, Concession 2 W**

**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 is partially regulated due to slope hazard associated with Fletcher's Creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. 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).

**PROPOSAL:**

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow construction of below grade entrance that will result in a decrease of interior side yard setback by 0.59m to 0.61m whereas the by-law permits an interior side yard setback of 1.2m.

**COMMENTS:**

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to the approval of this minor variance by the Committee at this time as the proposed works are located outside of the CVC regulated area.

The nature of the proposed works does not require a CVC permit.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

**Appendix 5 – Region of Peel****Minor Variance: A-23-200M – 878 Silverthorn Mill Avenue**

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).
- 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 property is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC or the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. While the proposed development does not encroach onto the regulated area of the CVC at the rear of the property, we still 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner