

# City of Mississauga Department Comments

Date Finalized: 2023-10-11	File(s): A378.23
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2023-10-19 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, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to permit existing accessory structures proposing:

1. 3 accessory structures (pergola, fireplace and shed) to remain on the property whereas By-law 0225-2007, as amended, permits a maximum of 1 accessory structure on the property in this instance;
2. An accessory structure (shed) with a rear yard setback of 2.80m (approx. 9.19ft) to the adjacent G1-Greenbelt Zone whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) from the G1-Greenbelt Zone in this instance;
3. A pool with a rear yard setback of 2.00m (approx. 6.56ft) to the adjacent G1-Greenbelt Zone whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) from the G1-Greenbelt Zone in this instance;
4. A concrete patio with a rear yard setback of 1.18m (approx. 3.87ft) to the adjacent G1-Greenbelt Zone whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) from the G1-Greenbelt Zone in this instance; and,
5. A deck with a side yard setback of 0.64m (approx. 2.10ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance.

## Background

**Property Address:** 1721 Blythe Road

**Mississauga Official Plan**

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1- Residential

**Other Applications:** BP 9ALT-13/R/3721

### Site and Area Context

The subject property is located in the Sheridan Neighbourhood Character Area, southeast of the Collegeway and Winston Churchill Boulevard. The immediate neighbourhood is primarily residential and green lands. The residential lands contain a mix of one and two-storey detached, dwellings on large lots with mature vegetation in the front yards. The subject property contains a large two-storey detached dwelling on a large lot with vegetation in the front yard.

The applicant is seeking variances related to existing accessory structures, a pool, patio and deck.



## 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*.

City Department and Agency Comments	File:A378.23	2023/10/11	3
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Staff comments concerning the application are as follows:

Planning staff note that previous variances were requested under application A017-13 that were related to the illegal erection of structures that were subject to litigation between the City and property owner. At that time, Planning staff did not support the development of any type of structure in areas located on city owned property, particularly lands designated Greenlands zoned G1, which are intended for the preservation of natural features.

Planning staff have discussed the proposal with the applicant's agent and is of the understanding that structures that previously were located partially and/or wholly on City property have been removed. As such, the applicant's proposal noted above is for structures located wholly on the subject property.

The subject property is located in the Sheridan Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached, and duplex dwellings.

Zoning staff have noted in their comments that a building permit is required. 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.

Variance #1 is for number of accessory structures permitted. Planning staff are of the opinion that the number of accessory structures permitted on a property located in the R1 zone is not regulated under the zoning by-law. Therefore, the requested variance may not be required. Should the applicant choose to proceed with this variance request, Planning staff have no concerns.

Variances #2, 3 and 4 are for setbacks to a G1 Zone. The intent of setback regulations to G1 zones is to ensure an adequate buffer between development and the environmentally sensitive lands. The subject property directly abuts the lands zoned G1 to the north, which form part of the Credit Valley Conservation Authority's Regulatory Boundary. Planning staff note that the City's Transportation and Works; and, Parks, Forestry & Environment Sections/Departments have no objections to the applicant's proposal. Furthermore, Credit Valley Conservation Authority (CVC) staff have no objection to the applicant's proposal.

Variance #5 relates to a side yard setback to a hardscaped surface. Transportation and Works staff has not identified any concerns with this variance. Furthermore, Planning staff are of the opinion that the proposed setback provides an adequate buffer for drainage purposes.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of all the structures and hard surfaces in the rear yard. The hard surface was constructed in 2013 through BP 9ALT-13/R/3721 where our Development Construction Section had no concern.













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: Candice Williams, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Parks and Culture 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 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 measure(s):

- 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. If future construction is required, 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. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

#### **Appendix 4 – Region of Peel**

##### **Minor Variance: A-23-378M / 1721 Blythe Rd**

Development Engineering: Brian Melnyk (905)-791-7800 x3602

##### **Comments:**

- This site does not have frontage on existing municipal sanitary sewer.
- Any changes to the underground water will require review by the Region of Peel. Site Servicing approvals may be 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: Ayooluwa Ayoola (905) 791-7800 x8787

##### **Comments:**



- The subject land is 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.
- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy **2.14.18** of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.
- Please also be advised that the subject land is located within a Core Valley Corridor Area and Core Woodland 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: Ayooluwa Ayoola, Junior Planner

## Appendix 5- CVC

**Re: City File No. A378.23**  
**CVC File No. A 23/378**  
**Janak Raj and Vandana Gupta**  
**1721 Blythe Rd**  
**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 is regulated for slope hazard associated with Loyalist Creek. As such, the property is regulated by CVC and 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 requests the Committee to approve a minor variance to permit existing accessory structures proposing:

1. 3 accessory structures (pergola, fireplace and shed) to remain on the property whereas By-law 0225-2007, as amended, permits a maximum of 1 accessory structure on the property in this instance;
2. An accessory structure (shed) with a rear yard setback of 2.80m (approx. 9.19ft) to the adjacent G1-Greenbelt Zone, whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) from the G1-Greenbelt Zone in this instance;
3. A pool with a rear yard setback of 2.00m (approx. 6.56ft) to the adjacent G1-Greenbelt Zone whereas By-law 0225-2007, as amended, requires a minimum of 5.00m (approx. 16.40ft) from the G1-Greenbelt Zone in this instance;
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5. A deck with a side yard setback of 0.64m (approx. 2.10ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.19ft) in this instance.

**COMMENTS:**

CVC staff have reviewed the provided information. Generally, any proposed accessory structures are to be setback a minimum of 6m from the slope hazard. As such, CVC staff recommend that the existing accessory structures (e.g., shed, pergola) be setback 6m from the retaining wall. We note, however, that the existing structures do not require a CVC permit. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please note that any future development proposed on the property within CVC's Regulated Area will require a CVC permit. If future development is being proposed, we recommend early pre-consultation to confirm feasibility and requirements.

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 236).

Comments Prepared by: Elizabeth Paudel, Planner