

City of Mississauga Department Comments

Date Finalized: 2023-11-15 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A434.23 Ward: 3
	Meeting date:2023-11-23 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 of 0.56m (approx. 1.84ft) 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: 4464 Lee Drive

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R4- Residential

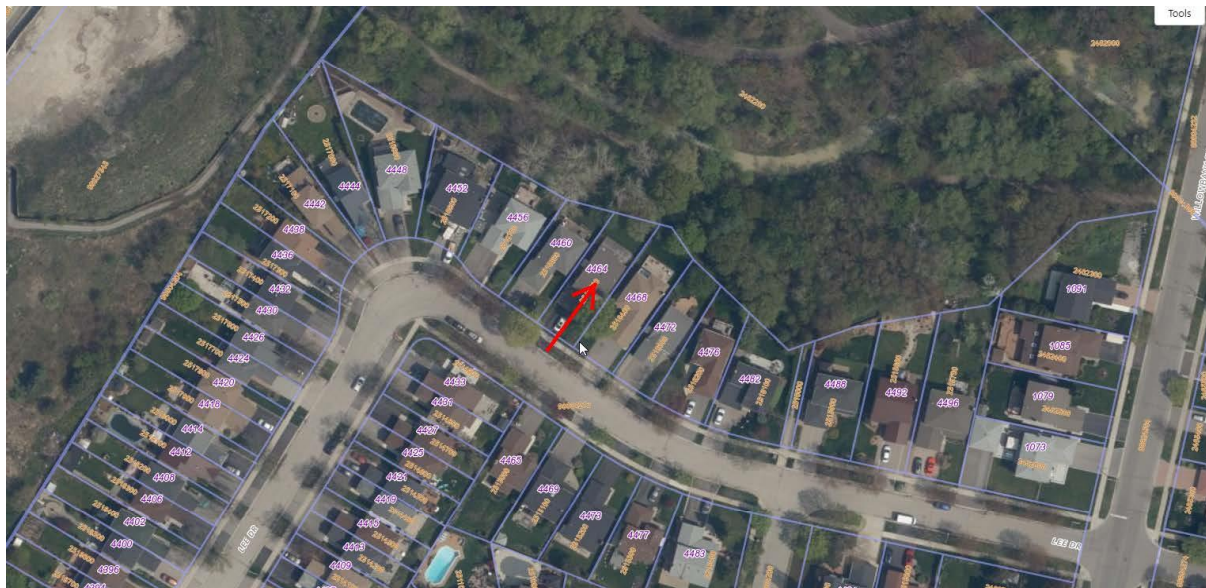
Other Applications: None

Site and Area Context

The subject property is located south-east of the Tomken Road and Eastgate Parkway intersection in the Rathwood neighbourhood. It is an interior lot containing a two-storey

detached dwelling with attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards. The property has an approximate area of +/- 481.80m² (5,186.05ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached and semi-detached dwellings. Little Etobicoke Creek abuts the subject property to the east.

The applicant is proposing a below grade entrance for personal access requiring a variance for side yard setback.



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 Rathwood Neighbourhood Character Area and is designated Residential Low Density I 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 the abutting property. Furthermore, Transportation and Works staff have raised no drainage concerns with the site

and 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 that the subject property is located within Toronto and Region Conservation Authority (TRCA) regulated area. The TRCA has raised no objections to the proposal. The City relies on the expertise of the TRCA on matters relating to natural features and are in agreement with their position.

Given the above, staff are 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

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed side stairwell be maintained. We note that the below grade entrance is being proposed in an area of the property where there will still be an adequate area (0.56m, 1.84ft) to maintain a drainage swale and not alter the existing drainage pattern.

Comments Prepared by: Joe Alava, T&W Development Engineering



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: Minan Song, Planner in Training

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 adjacent to the property are owned by the City of Mississauga, identified as Applewood Hills (P-049), 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- TRCA

Re: Minor Variance Application and City File No. A434.23

4464 Lee Drive

City of Mississauga, Region of Peel

Owner: Tania Donovanka and Anton Chochev

Agent: Permit Guys c/o Bijan Tjahja

This letter acknowledges receipt of the subject application, received on October 23, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A434.23 is to allow a below grade entrance proposing an interior side yard setback of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Recommendation

TRCA's staff have **no objection** to support the approval of Minor Variance Application assigned City File No. A434.23 A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Site Context

Ontario Regulation 166/06: Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is partially located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, a small portion (along the rear property boundary) of the subject property is located within the Regulatory Flood Plain associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration or other development taking place on the regulated areas of the property.

Application Background

On August 14, 2023, TRCA issued permit no. C-230940 (CFN 69690) to construct a below grade entrance in the side yard for the existing single unit dwelling.

Application Specific Comments

Based on our review, the proposed development will be located within TRCA's regulated portion of the site. The applicant received prior permission from the TRCA through permit no. C-230940 (CFN 69690)

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on November 10, 2023.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner 1

Appendix 5 – Region of Peel**Minor Variance: A-23-434M / 4464 Lee Dr**

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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 by email at 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 by email at 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 the Credit Valley Conservation Authority (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.
- The subject land is located within a Potential Natural Area and Corridor (PNAC) of the Greenlands Systems designated under Policy **2.14.19** of the Regional Official Plan (ROP). PNACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner