

# City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A150.24
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade stairwell entrance in the exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell entrance in the exterior side yard in this instance.

## Background

**Property Address:** 1712 Caverly Court

### Mississauga Official Plan

Character Area: **Erin Mills Neighbourhood**  
Designation: **Residential Low Density I**

### Zoning By-law 0225-2007

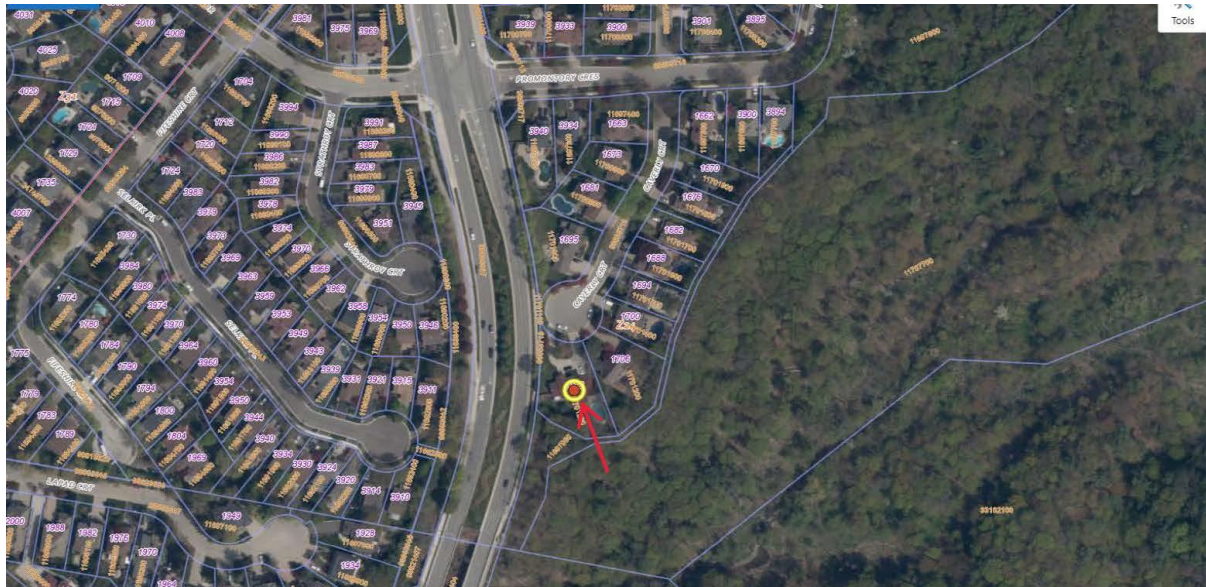
**Zoning:** R2-13- Residential

**Other Applications:** Building Permit application 24-315

### Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of the Mississauga Road and Burnhamthorpe Road West intersection. The neighbourhood is entirely residential consisting of two-storey detached dwellings with mature vegetation in the front, rear and side yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The application proposes a new below grade entrance requiring a variance for its location in an exterior side yard.



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

The intent of the by-law in prohibiting a below grade entrance in the exterior side yard and facing a street is to prevent a negative visual impact to the overall streetscape. The proposed entrance faces Burnhamthorpe Road and is fully screened by two sets of fences and mature vegetation. Furthermore, staff note that the entrance is located approximately 6m (19.69ft) from the westerly property line a large municipal boulevard exists between the westerly lot line and Burnhamthorpe Road.

Staff's opinion that the applicant's proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. 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 the existing basement entrance. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/315.

Comments Prepared by: John Salvino, Development Engineering Technologist













## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-315. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Minan Song, Planner in Training

## Appendix 3 – Parks, Forestry & Environment Comments

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 Erindale Park (P-060), and zoned PB1 – Parkway Belt.

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.
6. 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, Planner in Training - Park Assets, 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, Planner in Training

#### **Appendix 4 – CVC Comments**

**Re: City File No. A150.24**  
**CVC File No. A 24/150**  
**Mohammad Sawidan**  
**1712 Caverly Court**  
**Part of Lot 4, Range 3 NDS**  
**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 information currently available in our office, the subject property is regulated due to the flood and slope hazards associated with Mullett 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; Ontario Regulation 42/24 after April 1st). 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 a proposed below grade stairwell entrance in the exterior side yard, whereas By-law 0225-2007, as amended, does not permit a below grade stairwell entrance in the exterior side yard in this instance.

**COMMENTS:**

CVC staff have reviewed this proposal and have determined that the existing house and proposed below grade entrance are outside of the valley slope hazard, with a setback. On this basis, CVC staff have no concerns and no objection to the approval of the requested Minor Variance by the Committee at this time.

As noted above, a portion of the subject site is within the CVC Regulated Area. Following the Committee of Adjustment process, a CVC permit will be required prior to any development proposed in the Regulated Area. The applicant should contact CVC staff for to confirm permitting requirements before submitting a permit application.

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 (ext. 380).

Comments Prepared by: Ryan Pierce, Planning Technician

**Appendix 5 – Region of Peel****Minor Variance: A-24-150M / 1712 Caverly Court**

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 at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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: 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 Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 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 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Planner