

City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A177.24
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 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 amended, 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 an addition and associated retaining wall proposing:

1. The erection of a new structure whereas By-law 0225-2007, as amended, does not permit such a use in this instance;
2. An exterior side yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (24.60ft) in this instance;
3. An interior side yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (24.60ft) in this instance; and,
4. A rear yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (24.60ft) in this instance.

Background

Property Address: 44 Thomas Street

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Residential High Density

Zoning By-law 0225-2007

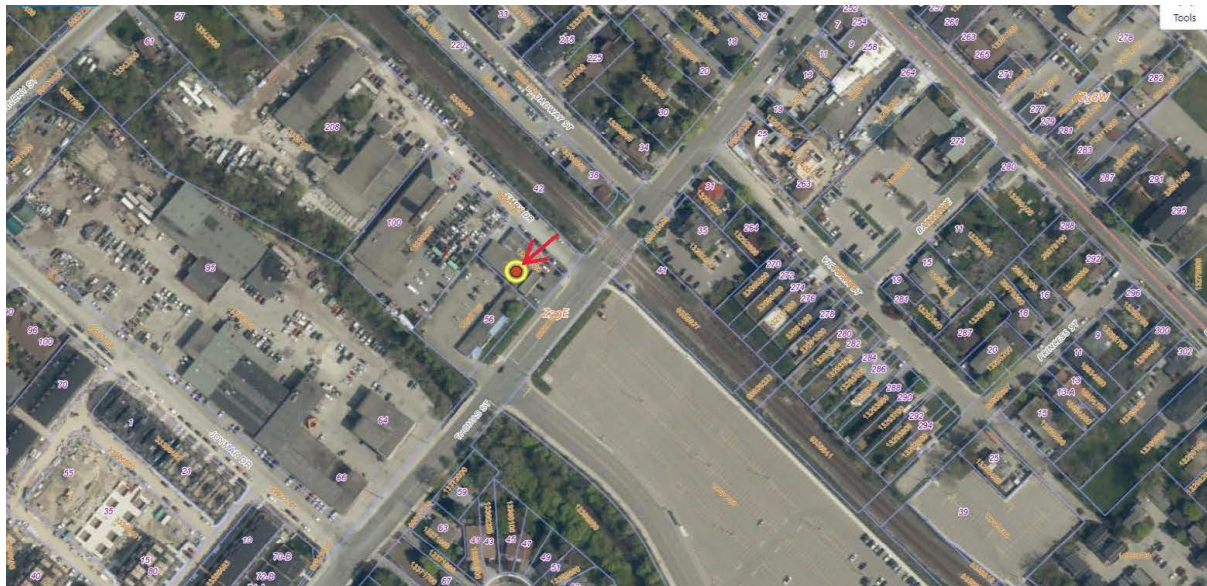
Zoning: D- Development

Other Applications: Building Permit application BP 3NEW 23-9016

Site and Area Context

The subject property is located within the Streetsville Community Node Character Area, northwest of the Queen Street and Thomas Street intersection. The neighbourhood contains an eclectic mix of commercial, industrial and residential uses. The subject property contains a one-storey industrial building. There is no vegetation or landscaping.

The application proposes to facilitate the construction of a shade structure and retaining wall in a D-zone, requiring variances for the construction of a new structure and setbacks.



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 designated Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP) which permits apartment dwellings; uses permitted in the Residential Medium Density designation, accessory to apartment dwellings on the same property; and uses permitted in the Convenience Commercial designation at grade in apartment dwellings, except for commercial parking facilities, gas bars, and drive-through facilities.

All the requested variances relate to a proposed shade structure 4.42m (14.4ft) in height and retaining wall 1.09m (3.7ft) in height along the rear property line.

Variance #1 requests the erection of a new structure whereas one is not permitted. The intent of the Development zone is to allow existing land uses to continue until such a time as the property goes through a development application to facilitate an appropriate redevelopment of the property. Staff note that the applicant is proposing a retaining wall to support the construction of a shade structure along the rear property line. No changes are proposed to the existing building.

Variances #2-#4 all pertain to 0.0m setbacks measured to the exterior side yard, interior side yard and the rear side yard for a retaining wall. Staff are satisfied that there are no significant impacts on neighbouring properties or the streetscape as no variances are required for height, lot coverage and area. Planning staff note that the Transportation & Works Department have reviewed the application and do not have any concerns regarding drainage.

Given the ongoing use and the fact that there will be no significant changes to the existing structure, staff are satisfied that the proposal maintains an appropriate buffer between adjoining properties and poses no negative impacts on the neighbouring properties.

Through a detailed review of the application, staff are 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: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed new structure/retaining wall, as it will not impact or alter the existing grading and drainage pattern for this and the adjacent property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 3NEW 23-9016. 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: Alana Zheng, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. 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.
2. 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.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 44 Thomas St to allow the construction of an accessory addition and associated retaining wall. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- As CP Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CP Rail is circulated the application for review.

- As the requested variances have minimal impact on Metrolinx property (i.e., Milton Corridor), Metrolinx has no objections to the specified variances should the committee grant approval.

• The Proponent is advised the following: • Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Should you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – CVC

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 subject property is regulated due flood hazard associated with Mullet 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 a driveway proposing:

1. 1. The erection of a new structure whereas By-law 0225-2007, as amended, does not permit such a use in this instance;
2. An exterior side yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (24.60ft) in this instance;
3. An interior side yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (24.60ft) in this instance; and,
4. A rear yard setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (24.60ft) in this instance.

COMMENTS:

Based on the review of the information provided, the proposed structure is sufficiently setback from the natural hazard of concern to CVC. As such, CVC staff have no concern with the approval of the minor variance at this time.

The applicant is advised that the subject property is regulated by CVC and a CVC permit/clearance is required for the proposed development.

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.

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 6 – Region of Peel

Minor Variance Application: A-24-177M / 44 Thomas Street

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located in the regulated area of the **CA**. We rely on the environmental expertise of the **CA** 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 **CA** and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the **CA**.

Comments Prepared by: Petrele Francois, Junior Planner