

City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A214.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A height to the highest ridge of 9.29m (approx. 30.48ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
2. An eave height of 7.22m (approx. 23.69ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
3. A garage projection of 0.53m (approx. 1.74ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
4. A porch encroachment (inclusive of stairs into front setback) of 2.41m (approx. 7.91ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (approx. 5.25ft) in this instance;
5. A porch roof encroachment of 1.92m (approx. 6.30ft) whereas By-law 0225-2007, as amended, permits a maximum porch roof encroachment of 0.45m (approx. 1.48ft) in this instance;
6. 3 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 4 parking spaces in this instance;
7. A driveway width of 7.83m (approx. 25.69ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
8. A Greenlands Zone setback of 0.96m (approx. 3.15ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance; and,
9. A front yard soft landscaped area of 28.02% whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.00% in this instance.

Background

Property Address: 407 Atwater Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

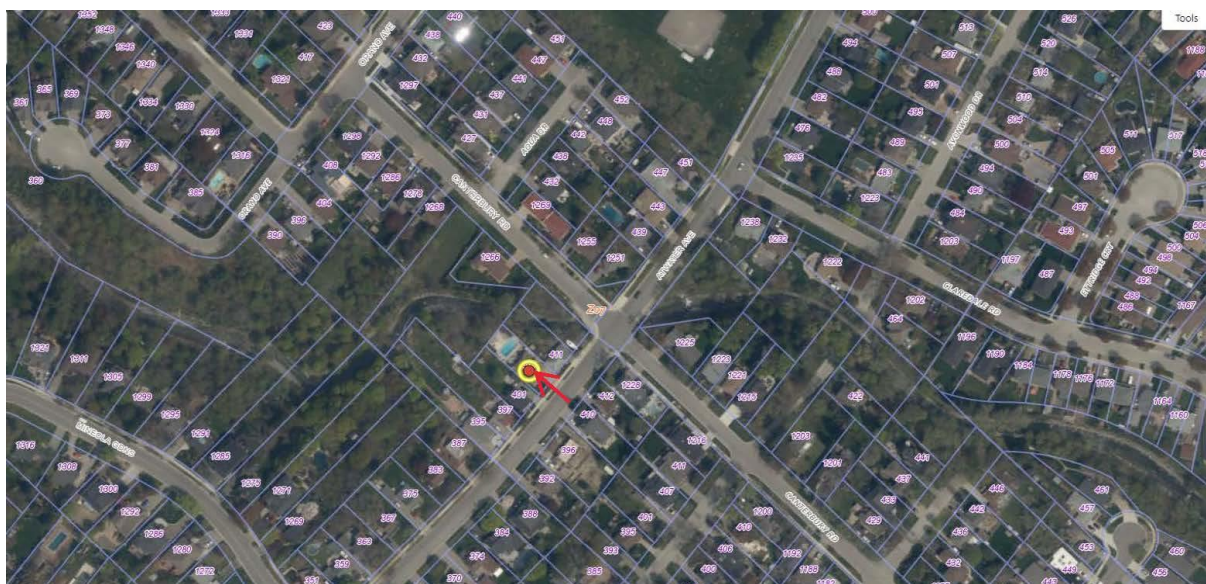
Zoning: R3-1- Residential and G1-Greenlands

Other Applications: SEC UNIT 24/1012.

Site and Area Context

The subject property is located west of the Cawthra Road and Atwater Avenue intersection. The surrounding area is primarily residential, consisting of one and two-storey detached dwellings. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a second storey addition requiring variances related to heights, setbacks, soft landscaped area, number of parking spaces, garage projection, encroachments and driveway width.



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 Mineola Neighbourhood Character Area and is designated Greenlands and Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The Greenlands designation permits development on properties if they are existing lots of record and are not within the regulatory storm floodplain or hazard lands associated with a valley and watercourse corridor. The proposed detached dwelling respects the designated land uses and Credit Valley Conservation notes that the proposed minor variances do not directly impact the natural hazards associated with Cooksville Creek.

Staff has identified concerns regarding variances #7 and 9. The proposed driveway does not meet the intent of the zoning by-law, as it can accommodate up to three-cars parked side by side. Staff seldom supports requests for reduced soft landscaping and are of the opinion that this variance is required due to the excessive driveway width. The applicant's request for these variances is not minor and will result in excessive hardscaping of the front yard, which is not appropriate, desirable, or reflective of development found in the immediate area.

As such, staff recommends that the application be deferred to allow the applicant an opportunity to redesign the proposed driveway. Planning staff has no concerns regarding the remaining variances pertaining to the addition, currently.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns requirements for the proposed addition are being addressed by our Development Construction Section through the Building Permit process, File SEC UNIT 24/1012.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 24-1012. Staff have asked for additional information; as the information has not been provided staff cannot verify the accuracy variances as requested.

Appendix 3 – Parks, Forestry & Environment

Park Planning

The Parks and Culture Planning Section of the Community Services Department has reviewed 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 Not To Be Named (P-237) *(SE of Elaine Tr, NW of Claredale Rd), 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. Further development is not permitted within the required 7.50 metre setback to the Greenlands zone.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

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 – Region of Peel

Minor Variance Application: A-24-214M / 407 Atwater Avenue

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

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.

- 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.
- 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.

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

The subject land is located within the **CA** 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 **CA** for the review of development applications located within or adjacent the regulated area in Peel. We, therefore, request that City staff consider comments from the **CA** and incorporate their conditions of approval appropriately.

Comments Prepared by: Francois Petrele, Junior Planner

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 Cooksville 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. A height to the highest ridge of 9.29m (approx. 30.48ft) whereas By-law 0225- 2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
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- 9.

COMMENTS:

Based on the review of the information provided, the proposed minor variances do not directly impact the natural hazards identified by CVC and as such CVC staff have no concerns with the approval of the minor variances proposed at this time.

The applicant is advised that the subject property is regulated by CVC and the proposed development will require a CVC permit. CVC staff is currently reviewing the detailed plans for the proposed development and may have further comments as it relates to CVC's permitting requirement.

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