

City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A295.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. An exterior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An accessory structure area of 30.00sq m (approx. 322.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. A lot coverage of 30.30% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

Background

Property Address: 826 Calder Rd

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

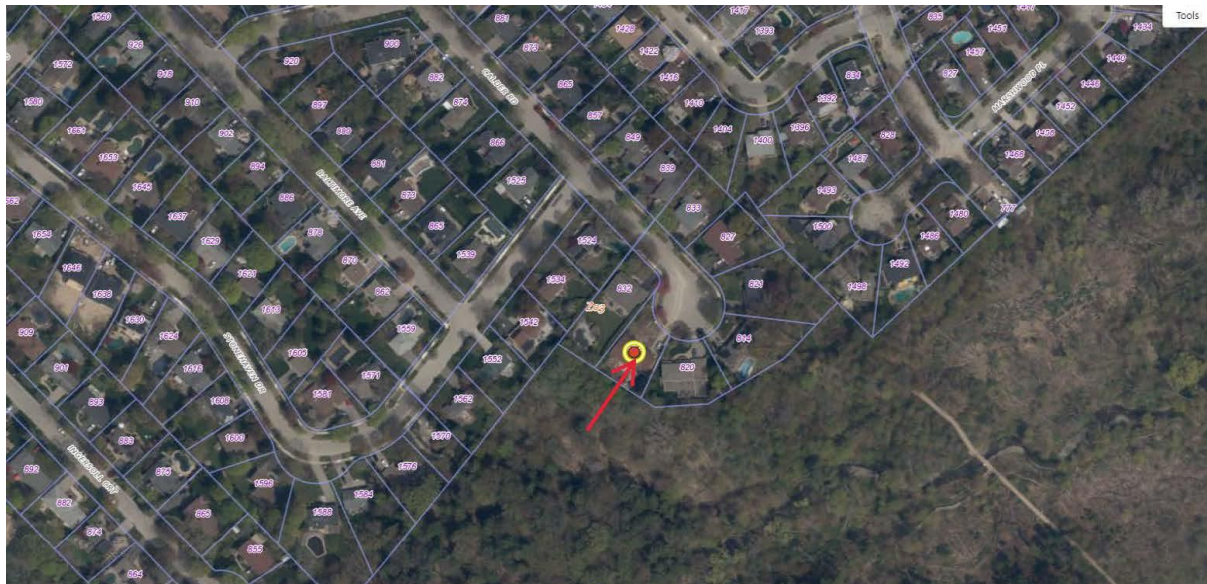
Zoning: R2-4 Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Lakeshore Road West and Meadow Wood Road intersection. The immediate area consists of one and two-storey single detached dwellings on large lots with significant mature vegetation in both the front and rear yards. The subject property is under construction for a detached dwelling with mature vegetation in the front yard.

The application proposes the construction of an accessory structure (cabana) requiring variances for side yard setback, accessory structure area and lot coverage.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located within the Clarkson-Lorne Park Neighbourhood Area and is designated Residential Low Density I. This designation permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site

design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The proposal respects the designated and surrounding land uses. The accessory structure is located at the rear of the property and staff are satisfied it will not negatively impact neighbouring properties. Furthermore, staff are of the opinion that the built form is compatible with the surrounding context and meets the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 requests relief in the side yard setback measured to the cabana. While Planning staff are not in a position to interpret the zoning by-law, it appears that the variance may be worded incorrectly to indicate an exterior side yard setback instead of an interior side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. Staff are of the opinion that the proposed reduced setback will not impact the ability to perform any required maintenance on the structure or provide appropriate drainage patterns. No variance is requested for accessory structure height or combined total accessory structure area, mitigating any massing concerns.

Variance #2 relates to the area of the proposed accessory structure on the property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. Staff note that the structure represents 2.1% of the total lot coverage, which is under the permissible lot coverage of 5% of the total lot area for accessory structures. The proposed floor area of the accessory structure is also below the maximum combined area requirement for accessory structures. The proposed structure is clearly accessory to the primary structure on the property as the detached dwelling's footprint covers approximately 7 times the amount of area as the proposed structure. Staff are of the opinion that the proposal does not represent overdevelopment of the lot. Furthermore, staff are satisfied the structure will not have any negative impacts to the neighbouring dwellings.

Variance #3 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the dwelling's footprint represents 21.44% of the total lot coverage in this instance, which is well below the maximum permissible lot coverage of 30%. The front and rear porches, the rear deck and the cabana add an additional 8.86% to the proposed lot coverage. Staff are of the opinion that these elements present negligible massing concerns and the coverage increase is negligible (0.30%). Staff are satisfied that the requested increase in the overall lot coverage represents a minor deviation from the zoning by-law requirements.

Given the above staff are of the opinion that the variances maintain the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area. Staff are satisfied that the application is minor in nature.

Notwithstanding the above comments, staff note through the Parks and Culture Planning, Community Services Department's comments that the proposed swimming pool does not meet sufficient setbacks to a G1 Zone.

Community Services Staff recommend that the applicant apply for a minor variance to allow for the swimming pool with insufficient setbacks to a G1 Zone or propose a new location of the swimming pool to establish a larger setback (5.0 m or greater) to City lands adjacent to the subject property. Further, Planning staff rely on the environmental expertise of the Credit Valley Conservation Authority (CVC) for the review of applications located within or adjacent to the regulated area. Staff note final approval addressing all environmental concerns to the satisfaction of the CVC and Community Services shall be required.

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the area where the cabana will be located. We have no concerns with the proposal. The applicant is advised that the cabana is to be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent lands.

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: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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 Credit Valley Conservation Authority and leased by the City of Mississauga, identified as Rattray Marsh (P-126), 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.
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.

The Parks and Culture Planning Section would also like to note that the proposed swimming pool does not meet sufficient setbacks to a G1 Zone, which may result in the harmfulness and/or removal of mature high-quality trees. Section 11.2.3.1 of the Mississauga Official Plan states that lands designated Greenlands are generally associated with natural hazards and/or natural areas where development is restricted to protect people and property from damage and to provide for the protection, enhancement and restoration of the Natural Heritage System.

The Parks and Culture Planning Section recommends that the applicant shall apply for a minor variance to allow for the swimming pool with insufficient setbacks to a G1 Zone or propose a new location of the swimming pool to establish a larger setback (5.0 m or greater) to City lands

adjacent to the subject property. This is to ensure the protection and preservation of the Significant Natural Area, this including (but not limited to) the mature high-quality trees found within the site.

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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance: A-24-295M / 826 Calder Road

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located within 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 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- Credit Valley Conservation

Re: CVC File No. A24/295
Municipality File No. A295.24
Przemyslaw and Aneta Poznanski
826 Calder Road
Lot 27 Con 3 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 subject property is regulated due to slope hazard associated with Sheridan creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). 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 cabana proposing:

1. An exterior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 1.20m (approx.3.94ft) in this instance;
2. An accessory structure area of 30.00sq m (approx. 322.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx.215.28sq ft) in this instance;

3. A lot coverage of 30.30% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

COMMENTS:

Based on the review of the information provided, CVC has no concern with the approval of the proposed minor variances at this time.

The applicant is advised that the subject property is regulated by CVC and that a CVC permit 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