

# City of Mississauga Department Comments

Date Finalized: 2024-08-08	File(s): A341.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 3:30:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the amendments and conditions.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new town homes proposing:

1. A rear yard setback of 5.30m (approx. 17.39ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
2. A front yard setback of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A balcony encroachment of 3.40m (approx. 11.16ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.50m (approx. 8.20ft) in this instance;
4. A driveway width of 6.00m (approx. 19.690ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
5. A setback to CEC-Amenity Area of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback to CEC-Amenity Area of 1.50m (approx. 4.92ft) in this instance;
6. A setback to Greenland Zones of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
7. A balcony projection of 2.49 m (approx. 8.17ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
8. A balcony depth of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum balcony depth of 3.00m (approx. 9.84ft) in this instance;
9. A rooftop balcony setback of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20m (approx. 3.94ft) in this instance;
10. An interior side yard setback of 0.70m (approx. 2.30ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

## Amendments

Should Committee see merit in the application, Planning staff recommend the variance be deleted:

9. A rooftop balcony setback of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20m (approx. 3.94ft) in this instance;

Should Committee see merit in the application, Planning staff recommend the following amendments: The applicant requests the Committee to approve a minor variance to allow the construction of a new town homes proposing:

1. A rear yard setback of 5.30m (approx. 17.39ft) for Block 1 – Unit 2 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
2. A front yard setback of 2.50m (approx. 8.20ft) for Block 1 – Unit 1 whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A balcony encroachment of 3.40m (approx. 11.16ft) for Block 1 – Unit 1 whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.50m (approx. 8.20ft) in this instance;
4. A driveway width of 6.00m (approx. 19.690ft) for Block 7 – Unit 45 whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
5. A setback to CEC-Amenity Area of 1.20m (approx. 3.94ft) for Block 9 – Unit 61, Block 10 – Unit 62 whereas By-law 0225-2007, as amended, requires a minimum setback to CEC-Amenity Area of 1.50m (approx. 4.92ft) in this instance;
6. A setback to Greenland Zones of 2.50m (approx. 8.20ft) for Block 1 – Units 1 & 2 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;

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7. A balcony projection of 2.49 m (approx. 8.17ft) for Block 1 – Units 1-7 whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
  8. A balcony depth of 0.00m (approx. 0.00ft) for Blocks 1 - 7 whereas By-law 0225-2007, as amended, requires a minimum balcony depth of 3.00m (approx. 9.84ft) in this instance;
  10. An interior side yard setback of 0.70m (approx. 2.30ft) for Block 4 – Unit 29, Block 5 – whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.
  11. A rear yard setback of 6.40m (approx. 20.99ft) for Block 1 – Unit 3, Block 2 – Unit 14 & 15, Block 3 – Unit 17, Block 6 – Unit 39 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;
  12. A rear yard setback of 6.50m (approx. 21.32ft) for Block 1 – Unit 4, Block 2 – Unit 11 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;
  13. A rear yard setback of 6.30m (approx. 20.66ft) for Block 3 – Unit 16 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;
  14. A rear yard setback of 6.60m (approx. 21.65ft) for Block 3 – Units 22 & 23 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;
  15. A rear yard setback of 6.70m (approx. 21.98ft) for Block 6, Units 37 & 38 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;
  16. A rear yard setback of 6.90m (approx. 22.63ft) for Block 2, Unit 10 whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.96ft) in this instance;

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17. A front yard setback of 3.70m (approx. 12.13ft) for Block 1 – Units 2-7, Block 2 – Units 8-14, Block 4 – Units 24 & 25, whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
18. A front yard setback of 3.80m (approx. 12.46ft) for Block 3 – Units 20 & 21, Block 6 – Units 34 – 39, whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
19. A front yard setback of 3.90m (12.79ft) for Block 3 – Units 16 & 17 whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
20. A front yard setback of 4.00m (13.12ft) for Block 3 – Units 22 & 23 whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
21. A front yard setback of 4.30m (approx. 14.10ft) for Block 10 – Units 62 & 63, Block 11 – Units 72 & 73 whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;
22. A maximum driveway width of 3.14m (approx. 10.30ft) for Block 1 – Units 1-7, Block 2 – Units 8-15, Block 3 – Units 16 – 23, Block 4 - Units 24 – 29, Block 5 – Units 30 – 33, Block 6 – Units 34 – 39, Block 7 – Units 40 – 44, Block 8 – Units 46 – 53, Block 9 - Units 54 – 61, Block 10 – Units 62 – 67, Block 11 – Units 68 – 74 whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
23. A maximum driveway width of 5.65m (approx. 18.53ft) for Block 11 – Unit 75 whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
24. A setback to Greenland Zones of 3.35m (approx. 10.99ft) for Block 4 – Unit 24 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;

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25. A setback to Greenland Zones of 3.50m (approx. 11.48ft) for Block 1 – Unit 3, Block 3 – Units 16 & 17, Block 7 – Units 42, 43 & 45 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
26. A setback to Greenland Zones of 3.60m (approx. 11.81ft) for Block 6 – Unit 39 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
27. A setback to Greenland Zones of 3.70m (approx. 12.13ft) for Block 2 – Unit 11, 14 & 15 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
28. A setback to Greenland Zones of 3.80m (approx. 12.46ft) for Block 2 – Unit 9, Block 3 – Units 22 & 23 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
29. A setback to Greenland Zones of 3.90m (approx. 12.79ft) for Block 6 – Unit 37, Block 7 – Unit 44 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
30. A setback to Greenland Zones of 4.00m (13.12ft) for Block 1 – Unit 4, Block 3 – Unit 18 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
31. A setback to Greenland Zones of 4.10m (13.45ft) for Block 3 – Units 19-21, Block 4 – Unit 26 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
32. A setback to Greenland Zones of 4.20m (approx. 13.77ft) for Block 2 – Unit 13, Block 6 – Unit 38 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
33. A setback to Greenland Zones of 4.40m (approx. 14.43ft) for Block 1 – Unit 7, Block 4 – Unit 25 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;

34. A setback to Greenland Zones of 4.60m (approx. 15.09ft) for Block 2 – Unit 12 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
35. A setback to Greenland Zones of 4.70m (approx. 15.41ft) for Block 2 – Unit 18 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
36. A setback to Greenland Zones of 4.80m (approx. 15.74ft) for Block 1 – Unit 5, Block 4 – Unit 27 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
37. A setback to Greenland Zones of 4.90m (approx. 16.07ft) for Block 7 – Unit 40 whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
38. A balcony projection of 2.30 m (approx. 7.54ft) for Blocks 2 – 7 whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
39. A balcony projection of 1.75m (approx. 5.74ft) for Blocks 8 – 11 whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;

### **Recommended Conditions and Terms**

Should Committee see merit in the application, Planning staff recommend the following condition:

1. Construction related to these variances shall be in general conformance with the drawings approved by the Committee.

## **Background**

**Property Address:** 1725 Barbertown Rd

### **Mississauga Official Plan**

**Character Area:** East Credit Neighbourhood

Designation: Greenlands, Medium Density

### Zoning By-law 0225-2007

Zoning: G1-6 - Greenlands RM6-22 - Residential

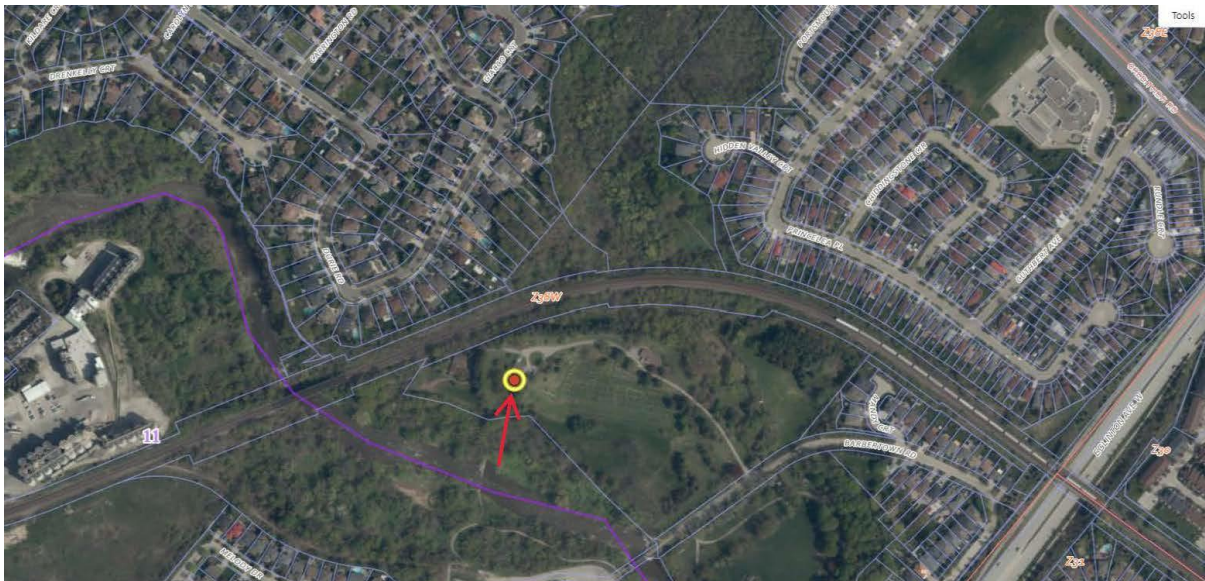
Other Applications: SP-22/27

### Site and Area Context

The subject property is located north-west of the Eglinton Avenue West and Creditview Road intersection in the East Credit Neighbourhood Character Area. It currently contains a detached dwelling and detached accessory structures. Limited landscaping elements and mature vegetation are present on the subject property. The applicant is proposing a 75-unit freehold townhouse development on a condominium road that is currently under site plan review. The surrounding context is predominantly residential, consisting of detached and townhouse dwellings to the south. Additionally, an established milling operation, ADM Milling, is located to the south-west, and the Credit River runs along the western side of the property.

The applicant is proposing to construct new townhouse dwellings requiring variances for rear yard and front yard setbacks, balcony encroachments, projections and depths, driveway width, setback to CEC-Amenity Area and Greenland zones and rooftop amenity setbacks.

Staff note that the amended variances reflect the variances being sought for individual units on the site and not the site as a whole.



## 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 within the East Credit Neighbourhood Character Area and is designated Greenlands and Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings.

Variance 1 relates to a reduction to the rear yard setback. Staff note the rear yard setback of 5.30m (17.39ft) is the most restrictive rear yard setback within the development and is being proposed for Block 1, Unit 2. Additional rear yard setback variances are required for various units proposed on the subject property which range from 6.4m (20.99) to 6.9m (22.63ft). The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as an appropriate rear yard amenity area for the dwellings. Staff note the rear yard setbacks are measured from the third-floor rear wall projection of the dwellings whereas the first and second storey setbacks in all instances maintain the required rear yard setback. Staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is relatively unaffected by the proposal.

Variance 2 relates to a reduction to the front yard setback. Staff note the front yard setback of 2.5m (8.20ft) is the most restrictive front yard setback within the development and is being proposed for Block 1, Unit 1. Additional front yard setback variances are required for various units proposed on the subject property which range from 3.7m (12.13ft) to 4.3m (14.10ft). The intent of the front yard setback is to ensure a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of the neighbourhood. For Block 1, Unit 1, staff note that the front property line is not parallel to the right of way due to the curve of the condominium road (Artist Lane) in a variance that staff view as technical. The front yard setback of 2.5m (8.20ft) is due to a pinch point created by the angle of the front lot line to the dwelling. Staff note the other units requiring relief will be a result of the front party wall that projects beyond the face of the garage. Staff are satisfied that the impacted units which require the relief will generally reflect the established built line within the proposed neighbourhood thereby creating a consistent character along the streetscape. Planning staff are of the opinion that the proposed unit's setbacks are appropriate due to the orientation of the subject property and will not have significant impacts to the streetscape.

Variance 3 pertains to an increased encroachment for a porch and steps for Block 1, Unit 1. The intent of this portion of the by-law is to ensure an appropriate buffer between the porch and lot line remains. As noted earlier, the proposed condominium road and property line do not run parallel to each other resulting in a pinch point and the necessary variance. With the porch and encroaching stairs resulting in an open structure, the necessary encroachment would result in limited sightline and privacy impacts while also providing a safe access point for the owner along the private street.



Variance 4 requests an increased driveway width. Staff note all the proposed townhouse dwelling units within the development require an increased driveway width. Staff also note the increased driveway width of 6m (19.68ft) is the most restrictive within the development and is only being proposed for Block 7, Unit 45. Additionally, Block 11, Unit 75 requests an increase driveway width of 5.65m (18.53ft), whereas all the rest of the units seek an increased driveway width of 3.14m (10.30ft). The planned character of the area and intent of the zoning by-law are to permit dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. Staff note Block 7, Unit 45 and Block 11, Unit 75 are the only proposed townhouse dwellings that will have double car garages and note the increase in driveway width is to permit access to and from the proposed double car garage. Staff are of the opinion that the proposed driveway widths are appropriately sized and relatively minor in nature.

Variance 5 requests a reduced setback to the CEC-Amenity Area and variance 10 requires a reduced side yard setback from the dwellings. Staff note the proposed setback to the CEC-Amenity Area is only being requested for Block 9, Unit 61 and Block 10, Unit 62, as they are the only proposed units abutting the CEC-Amenity Area. Staff are of the opinion that the reduced setback to the CEC amenity space would still provide appropriate buffering to the amenity space and privacy for the dwellings. Regarding the reduced side yard setback, the variance is only required for Block 4, Unit 29 and Block 5, Unit 30 due to the orientation of the dwelling and lot line. Because the deck attaches to the dwelling on the second floor, the by-law treats the deck and stairs as part of the main structure. The intent of the side yard provisions is to ensure access can be maintained around the structure, appropriate drainage patterns can be provided and that an appropriate buffer between structures on abutting properties can be maintained. Planning staff are only recommending support for the variance because the side yard setback is technically measured to the stairs of the deck. Planning staff would not be in support of the side yard setback should it be measured from the dwelling due to massing impacts and access concerns. Additionally, Transportation & Work's staff have not raised any concerns regarding drainage.

Variance 6 requests a reduced rear yard setback for the decks and stairs to a G1 zone. Staff note the rear yard setback of 2.5m (8.20ft) is the most restrictive rear yard setback within the development to a G1 zone and is being proposed for Block 1, Units 1 and 2. Additional rear yard setback variances for the decks and stairs are required for various units proposed on the subject property ranging from 3.7m (12.13ft) to 4.3m (14.10ft). Staff note that the Credit Valley Conservation Authority (CVC) has raised no objections to the request. The City relies on the expertise of the CVC on matters relating to natural features and are in agreement with their position. Staff are also satisfied that an appropriate rear yard amenity area is provided.

Variance 7 relates to an increased balcony projection beyond the garage face. The intent of this portion of the by-law is to ensure that an appropriate buffer between porch and lot lines are maintained. Staff note the balcony projection of 2.49m (8.16ft) is the most restrictive projection within the development and is being proposed for Block 1, Units 1-7. Additional balcony projection variances are required for all the other units proposed on the subject property which range from 1.75m (5.74ft) – 2.3m (7.54ft). Staff note the balcony structurally sits above the front, projecting party wall thereby triggering the variance. Staff note this is a consistent façade feature across the development and are satisfied an appropriate buffer between porch and lot lines are maintained.

Variance 8 pertains to a reduced balcony depth from the front wall. Staff note the reduced balcony depth of 0m beyond the front wall is being proposed for Blocks 1-7, Units 1-45. As noted above, the balcony projects with the party wall, resulting in the technical variance. Staff note this is a consistent façade feature across the development and are satisfied that the balcony provides a sufficient amenity area.

Variance 9 requests a reduced setback for a rooftop balcony of 0m. Staff note the reduced setback to the rooftop balcony is being proposed for Blocks 8-11, Units 46-75. Since the balcony is located on top of the second storey and accessible from the third storey, it is technically considered a terrace/balcony. Based on this interpretation, Zoning staff have confirmed the variance is no longer required.

Planning staff are satisfied that the proposed variances will facilitate a development that is appropriate for the subject property and that the proposed variances meets the general intent of the by-law and will not significantly alter the envisioned development. Furthermore, Planning staff are satisfied that the proposed variances, both individually and cumulatively, meet the general intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 development are being addressed through the Site Plan Application process, City File SP-22/27.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is processing a Site Plan application SP 22-27 W6. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application submitted on 05/16/2024. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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:

1. Given that the property is subject to a development application, SP 22-27, all of Community Services' comments and/or requirements are being addressed through the development application.
2. 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 – Region of Peel**

##### **Minor Variance Application: A-24-341M / 1725 Barbertown Road**

Planning: Petrele Francois (905) 791-7800 x3356

##### **Comments:**

- Please be advised that the subject lands are located in a Core Area of the Greenland System, the regulated and floodplain 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 the regulated area in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval 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 – Metrolinx**

Metrolinx is in receipt of the Minor Variance application for 1725 Barbertown Road to allow the construction of new town homes with adjusted rear yard setbacks (5.3m), front yard setbacks (2.5m), rooftop balcony setbacks (0m), balcony encroachments (3.4m), balcony projections (2.49m), balcony depths (0m), driveway widths (6m), CEC Amenity Area setbacks (1.2m), Greenland Zone Setbacks (2.5m), & interior side yard setbacks (0.7m).

As circulated on July 18th, 2024, and to be heard at Public Hearing on August 15, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is within 300 metres of the Canadian Pacific (CP) Galt Subdivision which carries Metrolinx's Milton GO Train service.

##### **GO/HEAVY-RAIL – ADVISORY COMMENTS**

- Be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive application of this development.
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.
- The Proponent is advised of the following:
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an

agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration 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 lots, blocks or units.

Should you have any questions or concerns, please contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com).

Comments Prepared by: Jenna Auger, Third Party Projects Review

## Appendix 6 – 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 information available, the property is located within CVC's Regulated Area due to the presence of the Credit River and Carolyn Creek, as well as the associated flood and slope hazards. As such, this 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:

- A rear yard setback of 5.30m (approx. 17.39ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
- A front yard setback of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.50m (approx. 14.76ft) in this instance;

- A balcony encroachment of 3.40m (approx. 11.16ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.50m (approx. 8.20ft) in this instance;
- A driveway width of 6.00m (approx. 19.690ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
- A setback to CEC-Amenity Area of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback to CEC-Amenity Area of 1.50m (approx. 4.92ft) in this instance;
- A setback to Greenland Zones of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum setback to Greenland Zones of 5.00m (approx. 16.41ft) in this instance;
- A balcony projection of 2.49 m (approx. 8.17ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
- A balcony depth of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum balcony depth of 3.00m (approx. 9.84ft) in this instance;
- A rooftop balcony setback of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20m (approx. 3.94ft) in this instance;
- An interior side yard setback of 0.70m (approx. 2.30ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

**COMMENTS:**

CVC staff have been involved in review of this proposal through Draft Plan of Subdivision 21T-M 17001 and Site Plan application SP 22-27 W6. The limits of development shown on the Minor Variance plans appear consistent with our review of those applications. Based on our review, the limits of residential lots were sited outside of the natural hazards with appropriate buffers. We have remaining comments to be addressed through the Draft Plan of Subdivision and Site Plan applications, however they are not expected to impact the limits of development and the proposed minor variances.

On this basis, CVC staff have **no objection** to the approval of the requested Minor Variance by the Committee at this time.

We note that this is not CVC's approval of the current plans, and we will continue our review of the plans to address our remaining comments through the Site Plan process. A CVC permit will be required prior to any development proposed in the Regulated Area.

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. 3250).

Comments Prepared by: Trisha Hughes, Acting Senior Planner