

# City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A331.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the amendments. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing:

1. A below grade entrance in a required interior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in a required interior side yard in this instance; and
2. A side yard measured to a below grade entrance of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a below grade entrance of 1.20m (approx. 3.94ft) in this instance.

## Amendments

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

1. A below grade entrance in a required interior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in a required interior side yard in this instance; and

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

2. A side yard measured to a below grade entrance of 0.16m (approx. 0.52ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a below grade entrance of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 6845 Golden Hills Way

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

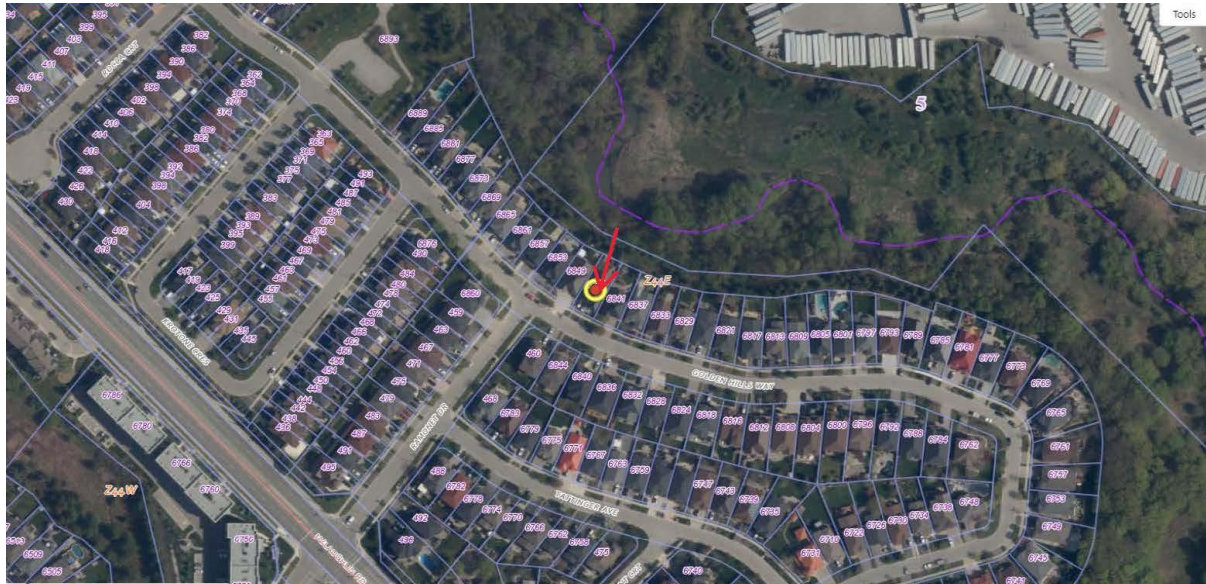
**Zoning:** R10 - Residential

### Other Applications:

### Site and Area Context

The subject property is located south-east of the McLaughlin Road and Arrowsmith Drive intersection in the Meadowvale Village Neighbourhood Character Area. It has a lot frontage of +/- 13.5m (44.29ft) and an area of +/- 444.70m<sup>2</sup> (4,819ft<sup>2</sup>), which is consistent with other detached dwellings in the area. Limited landscaping and vegetative elements are present on the subject property, which backs onto the Derry West Greenbelt. The surrounding area context contains open space and residential uses, consisting of a mix of detached and semi-detached dwellings.

The applicant is proposing a below grade entrance requiring a variance for the side yard setback.



## 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:

While Planning staff are not in a position to interpret the zoning by-law, staff note variance 1 is not required as a below grade stairwell is permitted in an interior side yard.

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street house 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 sole variance requested a reduced side yard setback to the below grade stairwell. The intent of this provision is to ensure that an appropriate buffer is provided between structures on abutting properties, access to the rear yard remains unencumbered and that appropriate drainage patterns be maintained. Staff note there is an appropriate buffer between the adjoining properties, access to the rear yard remains unencumbered and Transportation and Works staff have raised no drainage concerns with the site.

Staff are therefore of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the area where the proposed below grade entrance is being proposed. We note that the Grading Plan (Plan C-38628, Prepared by Urban Ecosystems Ltd.) approved for this property under Registered Plan of Subdivision, Lot 88 Plan 43M-1479 depicts a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale.

The Notice of Public Hearing is requesting a reduction of 0.05M (aprox 0.16 ft) setback which would not allow for a functional drainage swale between the properties, however, Site Plan DWG No: A-1 submitted (stamped June 18, 2024) depicts a 0.16M (6 inches) setback.

In view of the above and should Committee see merit in the request, we would recommend that the minimum side yard setback that we would support would be the 0.16M (6 inches) minimum to allow for drainage which is depicted on the Site Plan.











Comments Prepared by: Tony Iacobucci, Development Engineering

### **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: Crystal Abainza, 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 adjacent to the property are owned by the City of Mississauga, identified as Derry West Greenbelt (P-433), 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. 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.

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

### **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 injury or 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

## Appendix 4 – 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 and slope hazard associated with Fletcher's 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 to allow the construction of a below grade entrance proposing:

1. A below grade entrance in a required interior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in a required interior side yard in this instance; and,
2. A side yard measured to a below grade entrance of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a below grade entrance of 1.20m (approx. 3.94ft) in this instance.

### COMMENTS:

Based on the review of the information provided, CVC has no objection to the approval of the minor variance at this time. It is our understanding that the proposed works are to allow access

to an as-built basement for which a CVC permit/clearance was not issued.

The applicant is advised that the subject property is regulated by CVC and a CVC permit/clearance will be required for construction of the below grade entrance, as-built basement as well as any future development proposed on the property.

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](mailto: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 5 – Region of Peel**

### **Minor Variance Application: A-24-331M / 6845 Golden Hills Way**

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

#### **Comments:**

- 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: Petrele Francois (905) 791-7800 x3356

#### **Comments:**

- Please be advised that the subject lands are located in the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner