

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A401.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 an below grade entrance to an ARU proposing an interior side yard setback of 0.75m (approx. 2.43ft) whereas By-law 0225-2007, as amended, permits a maximum an interior side yard setback of 1.20m (approx. 3.96ft) in this instance.

Background

Property Address: 6831 Gracefield Dr

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4 - Residential

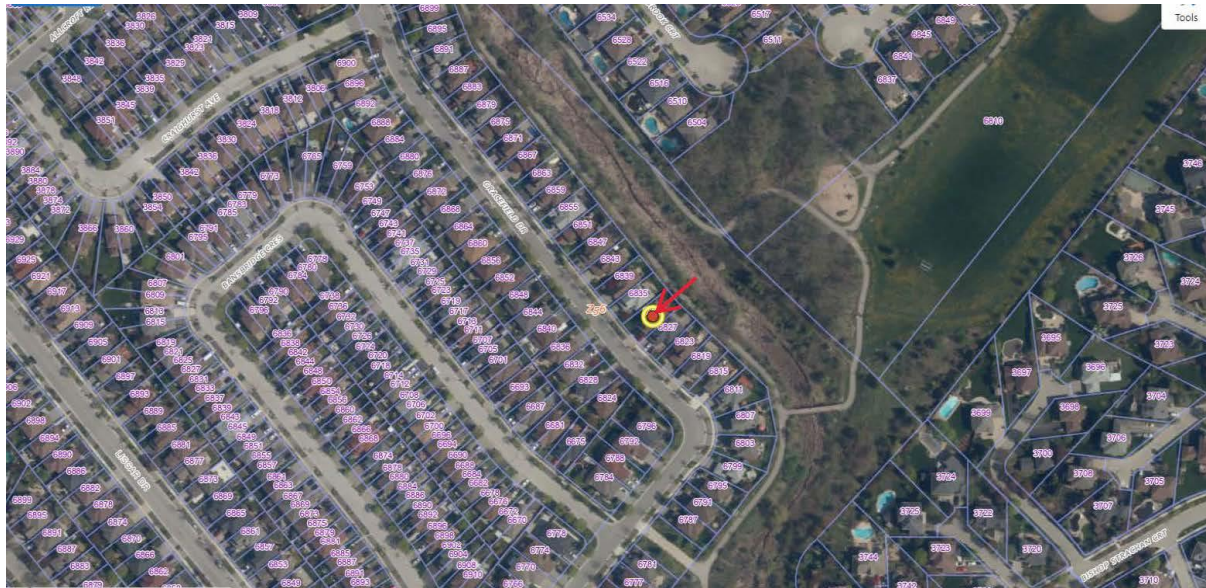
Other Applications: SEC UNIT 24-3339

Site and Area Context

The subject property is located south-east of the Derry Road West and Ninth Line intersection in the Lisgar Neighbourhood Character Area. It is an interior lot containing a two-storey detached

dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings and a Greenlands zone abutting the subject property to the rear.

The applicant is proposing a below grade entrance requiring a variance for 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:

Staff note the presence of an existing privacy fence extending from the dwelling to the side yard lot line that was not depicted on the initial drawings submitted. Staff brought this to the attention of the applicant resulting in revised drawings being submitted depicting the below grade entrance being behind the existing privacy fence.

The subject property is located in the Lisgar 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 requests 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 the massing of structures on abutting properties, ensuring 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

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed below grade entrance be maintained. We note that the stairwell is being proposed in an area of the property where there will still be an adequate area to maintain a drainage swale and not alter the existing drainage pattern.

Comments Prepared by: Tony Iacobucci, Development Engineering





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 24-3339. 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 08/08/2024. 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:

The lands adjacent to the property are owned by the City of Mississauga, identified as Lisgar Meadow Brook (P-334), 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.

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.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Conservation Halton

CH staff have reviewed the applications included in the most recent September 12, 2024 CofA meeting agendas and aside from application A401-24 for minor variance at 6831 Gracefield Drive, none of the other properties within the applications on the agendas are within CH's jurisdiction or regulated by CH. As such, we will not be providing comments on most of the applications. Our comments on the application for 6831 Gracefield Drive are as follows:

Under Part VI of the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Based on CH's Approximate Regulation Limit (ARL) mapping, the subject property is adjacent to a tributary of Sixteen Mile Creek and the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres

from the greater of the flooding and erosion hazards associated with Sixteen Mile Creek, and its tributaries. Permits are required from CH prior to undertaking development activities within CH's regulated areas and applications for development are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Board-approved policies and requirements).(<https://conservationhalton.ca/policies-and-guidelines>).

A variance is requested to allow the construction of a below grade entrance for additional dwelling units, proposing a 0.75 metre interior side yard setback instead of By-Law 0225-3008's maximum interior side yard setback of 1.20 metres. On June 3, 2024, CH issued a Development Clearance Letter for the proposed works (CH File RNOL-3175). CH has no objections to the requested variances as the proposed entrance is outside of CH's regulated area.

Should any changes to the proposed development arise through the Minor Variance process, please circulate CH for further review and comment to identify any regulatory and permitting requirements.

We trust the above is of assistance. Please contact the undersigned with any questions.

Comments Prepared by: Ashley Gallagher, Planning and Regulations Analyst

Appendix 5 – Region of Peel

Minor Variance Application: A-24-401M / 6831 Gracefield Drive

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.
- 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:

- Please be advised that the subject lands are located in the regulated area of the Halton Region Conservation Authority (HRCA). We request that City

staff consider comments from the HRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner