

# City of Mississauga Department Comments

Date Finalized:      Enter/choose date.	File(s): A480.24 Ward: 6
To:      Committee of Adjustment	
From:      Committee of Adjustment Coordinator	Meeting date:2024-10-31 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred for redesign.

## Application Details

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

1. A rear yard setback of 3.67m (approx. 12.04ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. A lot coverage of 45.82% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

## Background

**Property Address:** 5258 Creditview Rd

### Mississauga Official Plan

Character Area:      East Credit Neighbourhood  
Designation:      Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:**      R3

**Other Applications:** BP 9NEW 24-2570

### Site and Area Context

The subject property is located on the west side of Creditview Road, north of the intersection with Willowvale Gardens. It currently contains a detached dwelling with a detached garage. Significant mature vegetation is present on the subject property, especially in the rear yard. The surrounding area context is predominantly residential with lots of varying sizes. Staff note the subject property was one of the parcels approved under Consent Application B64.21.

The applicant is proposing to construct a new dwelling requiring variances for rear yard setback and lot coverage.

"[Enter air photo]"

## 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 in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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.

Staff have concerns surrounding the proposed lot coverage and reduced rear yard setback. 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 and that the existing and planned character of a neighbourhood is preserved. Planning staff are of the opinion that the proposed lot coverage coupled with the reduced rear yard setback create a notion of overdevelopment for the subject property. Additionally, the proposal would not maintain the planned character of the neighbourhood. The proposed lot coverage and reduced rear yard setback represent a significant variance from the permission of the by-law.

Given the above, Planning staff are of the opinion that the current proposal does not maintain the general intent and purpose of the official plan and zoning by-law and is not minor in nature. Staff therefore recommend that the application be deferred to allow the applicant to redesign the dwelling.

City Department and Agency Comments

File:A480.24

Enter date.

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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 new dwelling will be addressed through the Building Permit Process.

This department has no objections to the applicant's request because under Consent Application 'B'64/21 a portion of the lot was dedicated to the city for long term protection and maintenance of the Carolyn Creek.





Comments Prepared by: Tony Iacobucci, Development Engineering

## **Appendix 2 – Zoning Comments**

The Building Division is processing Building Permit application BP 9NEW 24-2570. Based on the review of the information available in this application, the requested variances are correct.

Please note that comments reflect those provided through the above application. 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: Brooke McFarlane, Zoning Examiner

## **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 to the rear of the property are owned by the City of Mississauga, identified as Carolyn Creek (P-250), 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...;

The Parks and Culture Planning Section recommends that the application be deferred to allow for a new proposed location of the dwelling or reduced lot coverage to allow for a larger setback to the City lands adjacent to the property. This is to ensure the protection and preservation of the Significant Natural Area.

Should the application be approved, Parks & Culture Planning provides the following notes:

1. The applicant shall install hoarding with sediment control at the rear of the property abutting Carolyn Creek (P-250) prior to any construction or preserving activities to the satisfaction of the Community Services Department - Parks & Culture Planning Section. Hoarding shall be installed entirely on private property, 1.0m inside the property line, or along the dripline of any city owned trees that are to be preserved in Carolyn Creek. Hoarding shall be in accordance with the latest Community Services Standard Detail

02830-2 Solid Board Construction Hoarding. Please contact Nicholas Rocchetti to arrange for a hoarding inspection.

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.
5. 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 – Park Planning, 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

#### Forestry

The Forestry Section of the Community Services Department has reviewed 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 Technician, 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 Technician

#### **Appendix 4 – Region of Peel**

**Minor Variance Application: A-24-480M / 5258 Creditview Road**

Development Engineering: Brian Melnyk ([brian.melnyk@peelregion.ca](mailto:brian.melnyk@peelregion.ca))(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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- 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](mailto:siteplanservicing@peelregion.ca).
- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.

Note: Petrele Francois ([petrele.francois@peelregion.ca](mailto:petrele.francois@peelregion.ca))(905) 791-7800 x3356

- Please be advised that the subject lands are located within a floodplain and 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

**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 to slope hazard associated with Carolyn 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 construction of a new dwelling proposing:

1. A rear yard setback of 3.67m (approx. 12.04ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. A lot coverage of 45.82% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% 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.

The applicant is advised that the subject property is regulated by CVC and a CVC permit is required for the proposed development as well as any other future works. Please contact CVC to ensure that the development meets the CVC's permitting requirements.

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