

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2024-11-13	File(s): A518.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/21/2024 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

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

1. A lot frontage of 20.42m (approx. 67.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A dwelling height (flat roof) of 12.00m (approx. 39.37ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
3. An accessory structure area of 37.93sq m (approx. 408.28sq 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;
4. A driveway width beyond 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond 6.0m of a garage face of 8.50m (approx. 27.89ft) in this instance;
5. A dwelling depth of 26.39m (approx. 86.59ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width within 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within 6.0m of a garage face of 10.50m (approx. 34.45ft) in this instance;
7. A walkway attachment width of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
8. 2 walkways attached to the driveway on the same side whereas By-law 0225-2007, as amended, permits a maximum of 1 walkway attachment per side in this instance;
9. A garage area of 127.83sq m (approx. 1375.96sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
10. An accessory structure height of 4.69m (approx. 15.39ft) whereas By-law 0225-2007, as

amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance; and,

11. An eave height of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address: 780 Parkland Ave**

### Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighborhood  
Designation: Greenlands; Residential Low Density I

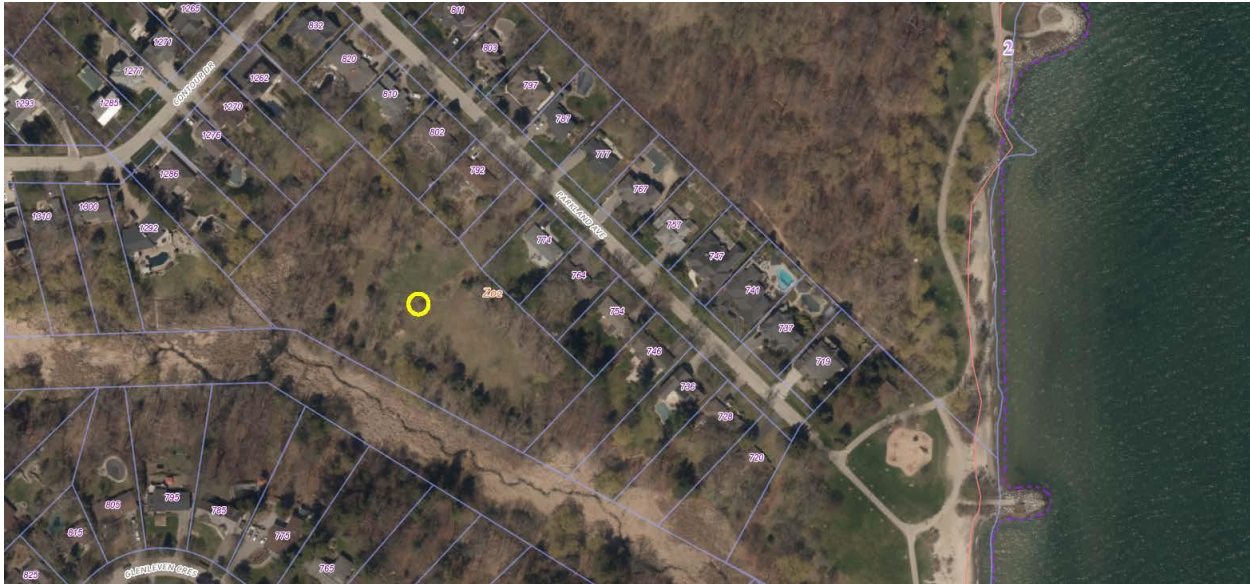
### Zoning By-law 0225-2007

**Zoning: R2-4 - Residential**  
**Other Applications: IZR SP 24-2323**

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and west of Parkland Avenue. The neighbourhood is primarily residential consisting of one and two-storey detached dwellings with mature vegetation and landscape elements in the front yards. The subject property is a vacant parcel of land, approximately 3.7 acres in size. The lot is accessed through 0 Bernida Road, which is a City-owned parcel of land.

The applicant is proposing a two-storey detached dwelling requiring variances for lot frontage, driveway width, dwelling height, eave height, dwelling depth, walkway attachment width, number of walkways, garage area and accessory structure area and height.



## 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 are as follows:

The site is located within the Clarkson-Lorne Park Character Area and is designated Residential Low Density I and Greenlands by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings in this instance.

The application is proposing to construct a two-storey detached dwelling on a lot. Staff have reviewed the variances and are of the opinion that the development maintains the official plan designation and is appropriate for the subject property. Further, staff are cognizant of the limited impacts of the requested variances on the neighbouring properties due to the size of the lot and the positioning of the dwelling.

However, Planning staff note concerns raised by Transportation and Works (TW) staff. The subject property is currently accessed only through an undeveloped right of way, 0 Bernida Road. TW staff have confirmed that there is no planned development of Bernida Road or servicing of the subject property. Further, TW staff are not in support of an encroachment agreement as a solution to provide access to the Block. As such, the subject property does not have appropriate access and adequate servicing.

While Planning staff have no concerns with the variances being sought for the construction of the detached dwelling on the subject property, staff recommend that the application be deferred until such time as the access and servicing issues are addressed.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

The Transportation and Works Department has reviewed the proposal and although we have no concerns with the Minor Variances that are asked for, we do have major concerns regarding the overall servicing construction and access of this parcel of land. With this in mind, it is the opinion of Transportation and Works at this time that application be deferred pending additional investigation to address servicing and access. Further details for Committee's reference have been provided below.

The lands are situated inset on the west side of Parkland Avenue, known as Block 'A', RP-417 (see attached). The applicant had approached The City earlier this year for an IZR (Independent Zoning Review) for a single family dwelling. At that time, there was no legal address for the property and an application could not be submitted. After many discussions with the applicant, it was decided that the lands be given a "temporary address" (780 Parkland Avenue) to facilitate the IZR review, however it should be noted that even with this temporary address the lands do not have direct physical access from property to the Parkland Avenue right of way. The City currently owns the subdividing parcel known as/ referred to as Bernida Road. It is a dedicated undeveloped right of way conveyed as part of a Plan of Subdivision in the 1950's through the registration of R.P. 417. For the property owner to reach Parkland Avenue they must first cross Bernida Road (please see attached R. Plan).

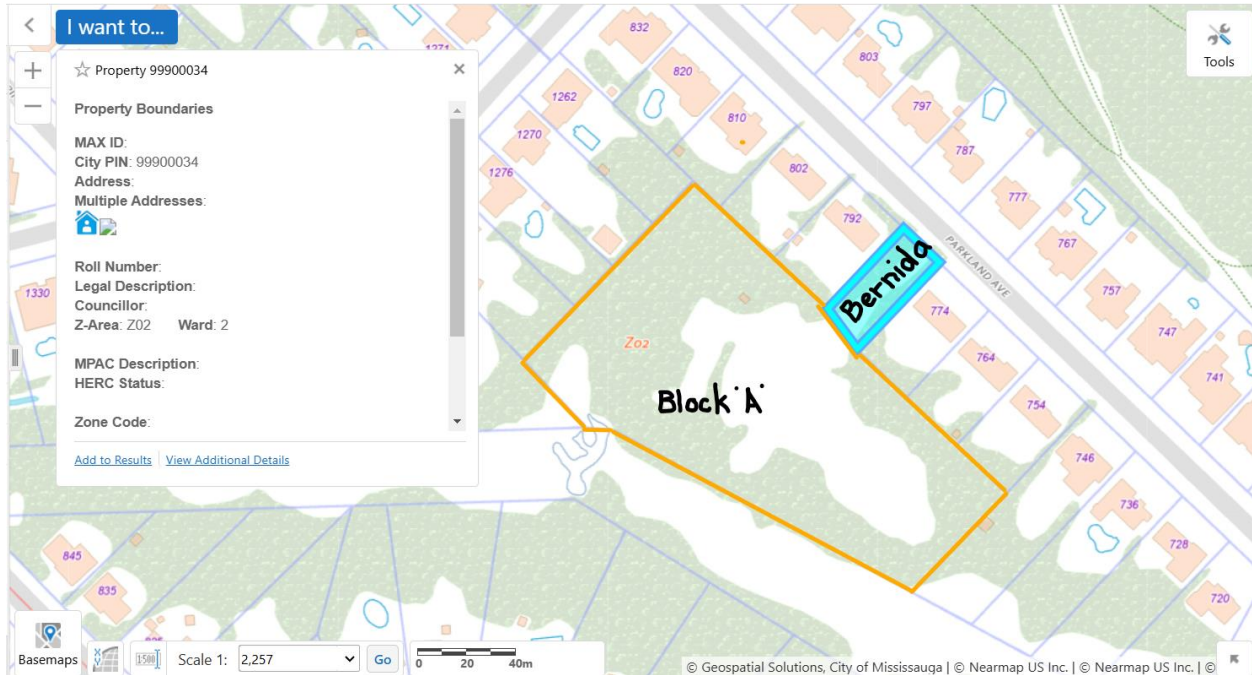
The City has had several development applications for different proposals from different owners of the Block 'A' parcel. Through each of these proposals, comments regarding physical access and servicing through Bernida Road have been provided. Comments regarding required land dedication for the top of bank at the rear of Block 'A' have also been previously identified. None of which were furthered beyond the comment stage. After many internal discussions during the previous applications, The City had concluded that it would have no intentions on extending Bernida Road nor constructing it, therefore through the most recent Site Plan application for a single family dwelling, internal decision to declare Bernida Road as 'surplus' lands was acknowledged however not yet formalized.

In addition to the variances reviewed herein, the City also currently has an Encroachment Agreement applied for by the applicant for access and servicing through the Bernida Road lands. This Department has provided separate comments not in support of the Encroachment Agreement. The recommendation for deferral will afford the time necessary to further coordinate internally and with the applicant to better outline and ensure proper servicing and access options available.

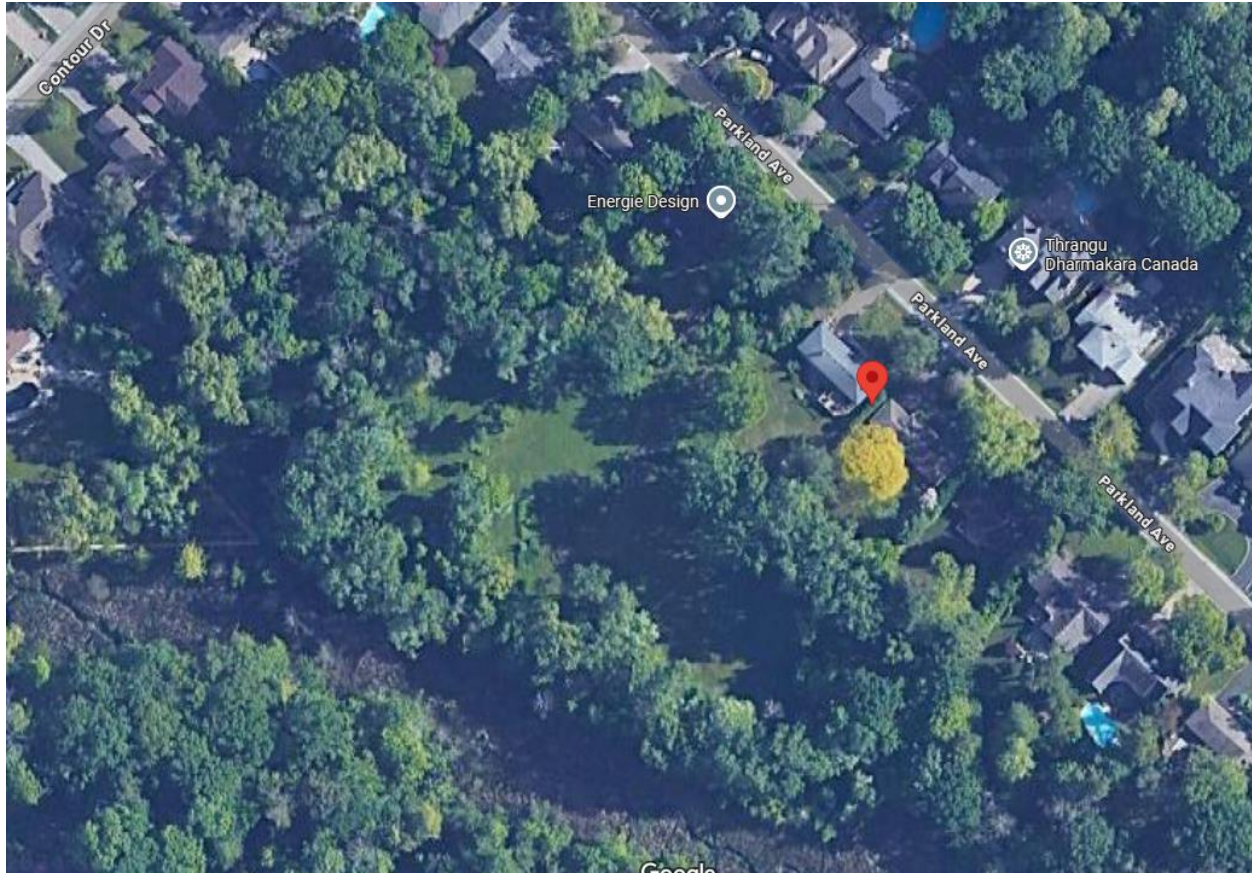
In consideration of the above, this department recommends the deferral of any variance approvals for the lands applied for under the temporary 780 Parkland Avenue address until such

time as the owner has made satisfactory arrangements with the City regarding resolution to providing access and servicing of the subject lands.

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South







## Appendix 2 – Zoning Comments

BP RECEIVED, CORRECT VARIANCE

The Building Department is currently processing a building permit application under file IZR SP 24-2323. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 09/10/24 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack – Zoning Examiner



## Appendix 3 – Parks, Forestry & Environment

### Forestry Comments

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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that an encroachment agreement needs to be approved for the construction works and installation associated with Bernida Road. This encroachment agreement will require a Tree Inventory and Arborist Report as per City of Mississauga Terms of Reference Arborist Reports, Tree Inventory/Survey & Tree Preservation Plans (September 2022).

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 Comments

### **Minor Variance Application: A-24-518M / 780 Parkland Avenue**

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).

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

- Please be advised that part of the subject lands is located within the floodplain and 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 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 5.1 and 5.2 of the *Provincial Planning Statement (2024)*;
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 flood and slope hazard associated with Turtle 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 allow for the construction of a new dwelling proposing:

1. A lot frontage of 20.42m (approx. 67.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A dwelling height (flat roof) of 12.00m (approx. 39.37ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
3. An accessory structure area of 37.93sq m (approx. 408.28sq 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;
4. A driveway width beyond 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond 6.0m of a garage face of 8.50m (approx. 27.89ft) in this instance;
5. A dwelling depth of 26.39m (approx. 86.59ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width within 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within 6.0m of a garage face of 10.50m (approx. 34.45ft) in this instance;
7. A walkway attachment width of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
8. 2 walkways attached to the driveway on the same side whereas By-law 0225-2007, as amended, permits a maximum of 1 walkway attachment per side in this instance;
9. A garage area of 127.83sq m (approx. 1375.96sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
10. An accessory structure height of 4.69m (approx. 15.39ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance; and,
11. An eave height of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

**COMMENTS:**

Based on the review of the information provided, CVC has **no objection** with the approval of the proposed minor variances at this time. CVC has reviewed and issued permit as part of permit application FF 23/063.

Any revisions made to the previously approved plans will need to be reviewed by CVC.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance/Consent 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. 3500) 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