

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-21	File(s): A529.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/28/2024 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a gross floor area - infill residential of 401.73sq.m (approx. 4,324.19sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 395.92sq.m (approx. 4,261.65sq.ft) in this instance.

Background

Property Address: 1363 Wendigo Tr

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands and Residential Low Density I

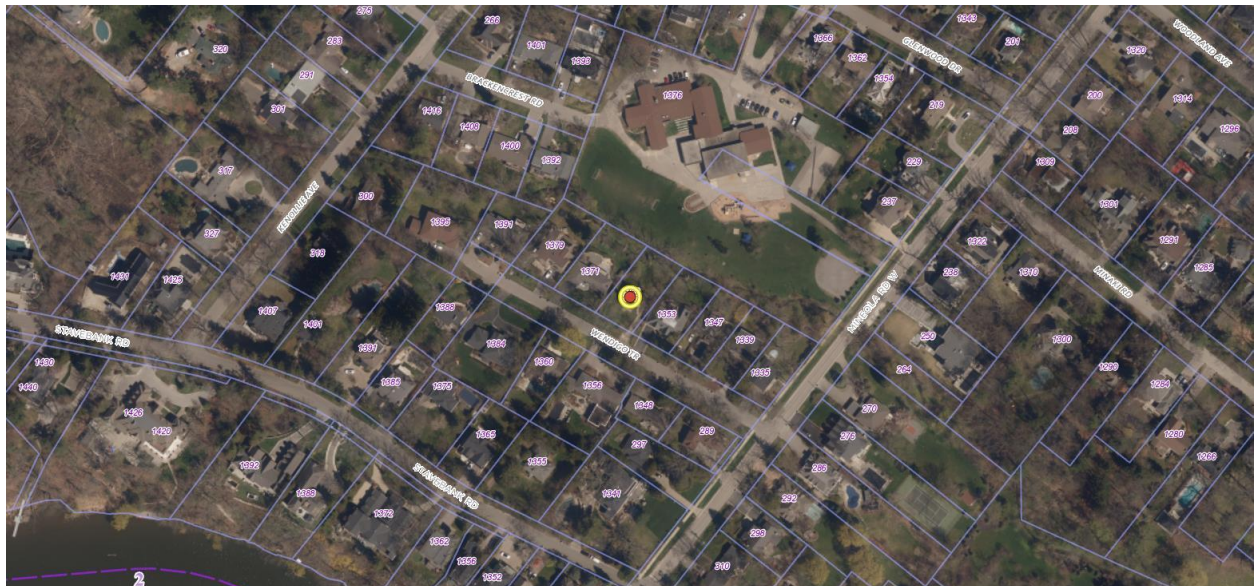
Zoning By-law 0225-2007

Zoning: R2-4 - Residential

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of the Stavebank Road and Mineola Road West intersection. The immediate area consists of one and two-storey detached dwellings on lots with significant mature vegetation throughout. The subject property contains an existing two-storey detached dwelling with limited vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requesting a variance for gross floor area.



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 subject property is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP).

The subject property was previously before the Committee of Adjustment on November 9, 2024, under file A430.23 for variances pertaining to setbacks, eave height and dwelling height for a two-storey detached dwelling. Staff also note that a building permit has already been issued for the proposed works. The application was approved by the Committee at the time. The current application seeks a sole variance for gross floor area. Staff note the plans are identical to what was approved with minor changes to the gross floor area calculation. Staff are of the opinion that the increase in the gross floor area of 5.81mt² or 62.54 ft² is minor and appropriate in this instance. Staff are satisfied that the variance is technical in nature and have no concerns.

Through a detailed review of the application, staff are of the opinion that the revised application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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 dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-23/8466.

Comments Prepared by: John Salvino, Development Engineering Technologist





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

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 the construction works affiliated with the new asphalt driveway may impact the below noted City trees, potentially resulting in tree injury. Care should be taken to protect the below noted trees as best as possible:

- Callery Pear 'Bradford': 6.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.2m, located east of new asphalt driveway, City tree (in front of neighbouring property 1353 Wendigo Tr.).
- Callery Pear 'Bradford': 6.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.2m, located east of new asphalt driveway, City tree (in front of neighbouring property 1353 Wendigo Tr.).
- Callery Pear 'Bradford': 7cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.2m, located east of new asphalt driveway, City tree (in front of neighbouring property 1353 Wendigo Tr.).

Furthermore, Forestry notes that the proposed wall (and adjacent 3:1 slope) will impact the 110cm DBH Black Walnut tree, resulting in tree injury, and may impact (potentially injure) the 88.5cm DBH Black Walnut tree. Care should be taken to protect the below noted trees as best as possible:

- Black Walnut: 110cm DBH (estimated), good condition, minimum Tree Protection Zone (TPZ) 6.6m, located west of proposed wall/new concrete walkway, boundary tree (shares property line with City and 1363 Wendigo Tr.)

- Black Walnut: 88.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 5.4m, located west of proposed wall/new concrete walkway, boundary tree (shares property line with City and 1363 Wendigo Tr.)

If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-529M / 1363 Wendigo Trace

Development Engineering: Brian Melnyk (brian.melnik@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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 - CVC Comments

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 hazard associated with Kenolli 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 the construction of a new house proposing a gross floor area - infill residential of 401.73sq.m (approx. 4,324.19sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 395.92sq.m (approx. 4,261.65sq.ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has **no objection** to the minor variance proposed at this time. CVC has reviewed the proposal as part of permit application FF 22/332.

The applicant is to note that the subject property is regulated by CVC and a CVC permit is required for 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/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 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