

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A454.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendment.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing a rear yard setback of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Department is processing Building Permit application 23-9288. Based on review of the information available in this application, we advise that following amendment is required:

Add variance:

To allow an addition proposing a setback of 7.08m (approx. 23.23ft) to a Greenlands Zone, whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) to a Greenlands Zone in this instance.

Background

Property Address: 2334 Adena Court

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

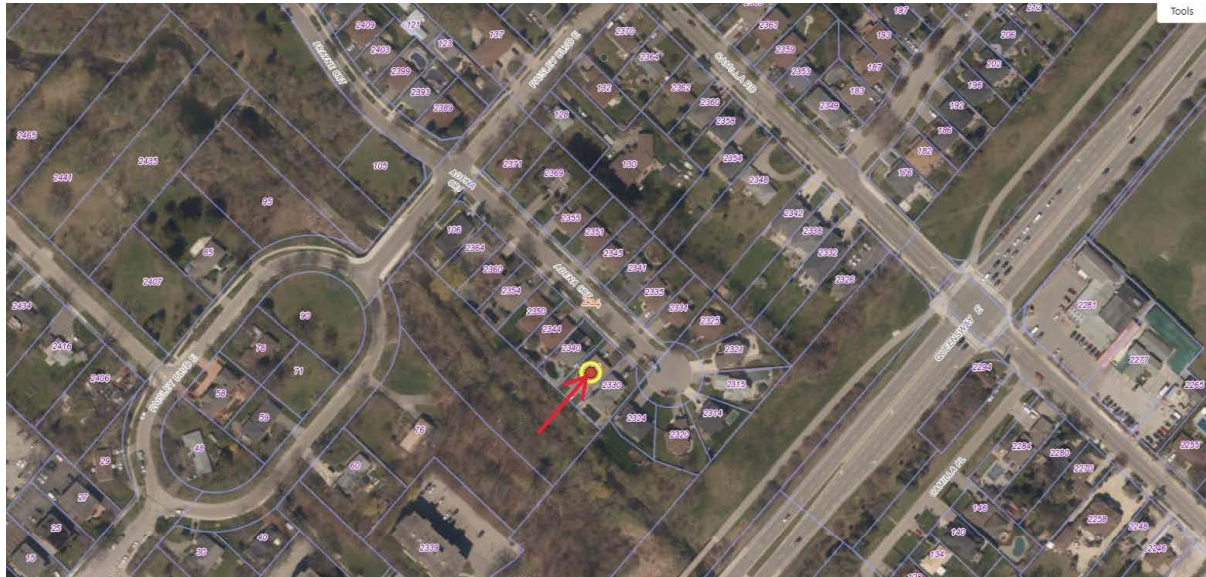
Zoning: R3 - Residential

Other Applications: BP 23-9288

Site and Area Context

The subject property is located north-west of the Queensway East and Camilla Road intersection in the Cooksville 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 exclusively residential, consisting of detached dwellings on varied sized lots. Additionally, the Cooksville Creek abuts the site to the west.

The applicant is proposing to legalize an existing addition requiring a variance for a rear 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:

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I 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. The proposal represents a small addition to an existing detached dwelling that does not impact the streetscape or character of the area.

Variations 1 and 2 pertain to a reduced rear yard setback to the rear lot line and Greenlands zone. The intent of the rear yard provisions in the by-law is to ensure that there is a sufficient buffer between primary structures on abutting lots and an appropriate rear yard amenity area for the dwelling. Additionally, the intent of the setback provisions to Greenlands zones are to ensure an appropriate buffer to a natural feature. The proposal represents a modest addition that is one-storey in height and does not span the entirety of the dwelling width. Staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is relatively unaffected by the proposed development. Additionally, the Credit Valley Conservation Authority (CVC) has raised no objections to the request. The City relies on the expertise of the CVC on matters relating to natural features and are in agreement with their position.

Staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and contributes to orderly development of the subject property. The variations will not create any undue impacts to the abutting properties or natural feature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to allow the existing addition as it does not impact or alter the existing grading and drainage pattern for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-9288. Based on review of the information available in this application, we advise that following amendment is required:

Add variance:

- to allow an addition proposing a setback of 7.08m (approx. 23.23ft) to a Greenlands Zone, whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) to a Greenlands Zone in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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.

Comments Prepared by: Jamie Meston, Landscape Technician

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 to flood hazard associated with Cooksville 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 an addition proposing a rear yard setback of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

COMMENTS:

Based on the review of the information provided, it is our understanding that no new development is being proposed and the minor variance proposed at this time relates to existing conditions. Furthermore, CVC staff have reviewed and issued a permit for the structure as part of permit application FF 23/229. As such, CVC has no objection to the proposed minor variance at this time.

The applicant is advised that the subject property is regulated by CVC and any further development will require a CVC permit.

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 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-24-454M / 2334 Adena Court

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800
x6019

Comments:

- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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.

Note: Petrele Francois (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