

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A99.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 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, as amended, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A lot coverage of 40.3% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance; and
2. A rear yard of 6.52m (approx. 21.39ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance.

## Amendments

Staff have received revised information from the applicant, and it appears that the following variance is also required:

Variance #3 requests 32.5% whereas the zoning bylaw requires 40% of the front yard and/or exterior side yard to be soft landscaping.

## Background

**Property Address: 4573 Mississauga Road**

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**Mississauga Official Plan**

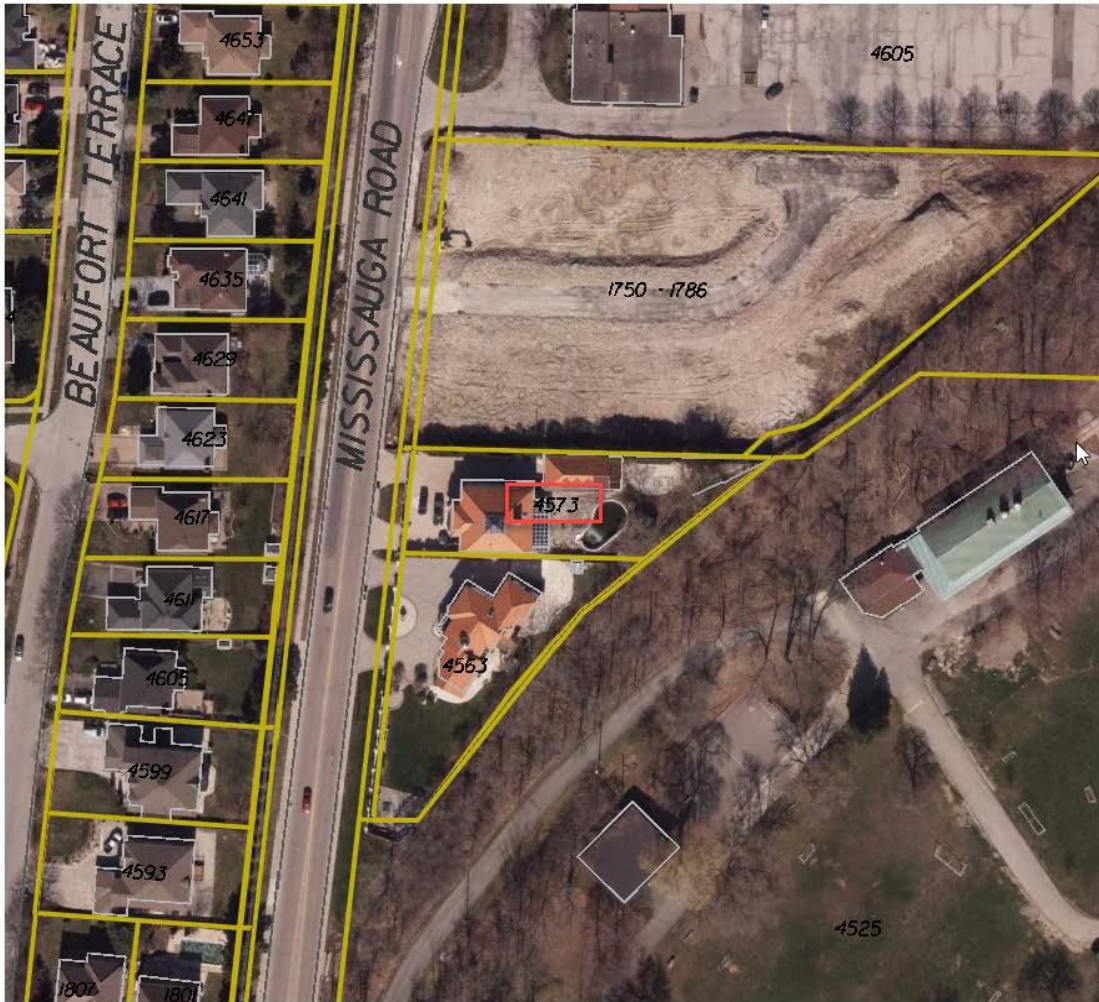
Character Area: Central Erin Mills Neighbourhood

Designation: Residential Low Density I

**Zoning By-law 0225-2007****Zoning: R1 - Residential****Other Applications: Preliminary Zoning Review application PREAPP 20-1633****Site and Area Context**

The subject property is located within the Central Erin Mills Neighbourhood, south of Eglinton Avenue West and Mississauga Road. The immediate neighbourhood is primarily residential, consisting of two storey detached dwelling with mature vegetation. The property abuts Croatian Parish Private Park to the north. The subject property contains an existing two storey detached dwelling and abuts a heavily treed area which is zoned and designated Greenlands.

The applicant is proposing an accessory structure that requires variances related to lot coverage and side and rear yard setbacks and a variance for the existing soft landscaping.



## 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:

Planning staff note that the application was before the Committee of Adjustment on April 8, 2021, seeking similar variances. At the time, Planning staff had no objection to the proposal. However, the application deferred to obtain approval from the Credit Valley Conservation Authority (CVC).

The applicant received a CVC permit dated November 5, 2024. At the time this application was submitted to the Committee of Adjustment clerks office, the applicant provided drawings that did not match the CVC permit drawings. As such, revised drawings have been provided by the applicant on January 20, 2025, that correspond to the CVC permit.

CVC have no concerns with the proposal, and as such, Planning comments remain the same. The existing dwelling is at 15.4%, while the pool enclosure and addition represent 16.4%. Staff remain satisfied that the proposal will not pose any negative impacts and have no concerns with the proposal.

Staff note the applicant is requesting Variance #3, pertaining to reduced soft landscaping in the front/exterior side yard. Staff note this is an existing condition and that no variance is requested for driveway width. Staff have no concerns with this variance.

Through a detailed review of the application, staff are of the opinion that the 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 addition will be addressed by our Development Construction Section through the future Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Preliminary Zoning Review application PREAPP 20-1633. 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. 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: Alana Zheng, Supervisor Zoning Examination

### **Appendix 3 – Parks, Forestry & Environment**

#### Park Planning Comments

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 to the rear of the property are owned by the City of Mississauga, identified as Not Yet Named (P-539)\*, 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...;

In accordance with the zoning by-law (0225-2007), Section 4.1.8.1 states *the minimum setback for all **buildings, structures, parking areas and swimming pools** in Residential Zones to all lands zoned G1 or G2 Base Zone, shall be greater of 5.0 m or the required **yard/setback**.*

The submitted site plan (SP-1) identifies an existing deck to be replaced. The existing deck is encroaching onto City owned lands, and not meeting the required setbacks to a G1 zone.

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

1. All existing encroachments are to be removed from adjacent City owned lands.
2. Should the deck be replaced, the Community Services Department requires the greater of 5.0 m required setback to the abutting lands zoned G1.
3. Construction access from the adjacent park/greenlands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.



5. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
6. 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 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/>.

Please be advised the subject property is directly adjacent to and overlaps with a component of the City's Natural Heritage System (NHS), specifically *CRR1 Significant Natural Area* and the associated *Credit River (Eglinton to Dundas) Environmentally Sensitive or Significant Area (ESA)*, which includes natural heritage features such as *Significant Valleyland, Fish Habitat, Significant Woodland*, and *candidate Significant Wildlife Habitat*. 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:

- 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...;

Given that a “no-mow” zone has been established by the applicant through previous consultation with Credit Valley Conservation Authority (CVC), and there are no plans to encroach into this area, Forestry has no objections from a natural heritage perspective. Should the application be approved, Community Services – Forestry recommends the following:

- Submit an Erosion and Sediment Control (ESC) Plan that is to the satisfaction of Community Services – Forestry.
- Stockpiling and staging of construction materials and equipment must be located outside of the identified “no-mow area” being protected on site.
- The L-200 Landscape Plan (SDG, October 10<sup>th</sup>, 2024) indicates that a variety of non-invasive ornamental and cultivar species are proposed for planting adjacent to the “no-mow” area located along the rear of the property. To mitigate the spread of non-native species into the neighbouring natural area, Forestry recommends that the landscape plans include only native species that are common to the local watershed and appropriate for the site conditions. We recommend using the following guidelines prepared by Credit Valley Conservation Authority (CVC) to inform the selection of an appropriate seed mix and woody vegetation:
  - Credit Valley Conservation Authority. (2018). Plant Selection: Species List for Planting Plans within the Credit River Watershed. Link:  
<https://cvc.ca/document/plant-selection-guideline-species-list-for-planting-plans-within-the-credit-river-watershed/>

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 - Conservation Authority 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 slope hazard associated with Credit River. 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 the construction of an addition proposing:

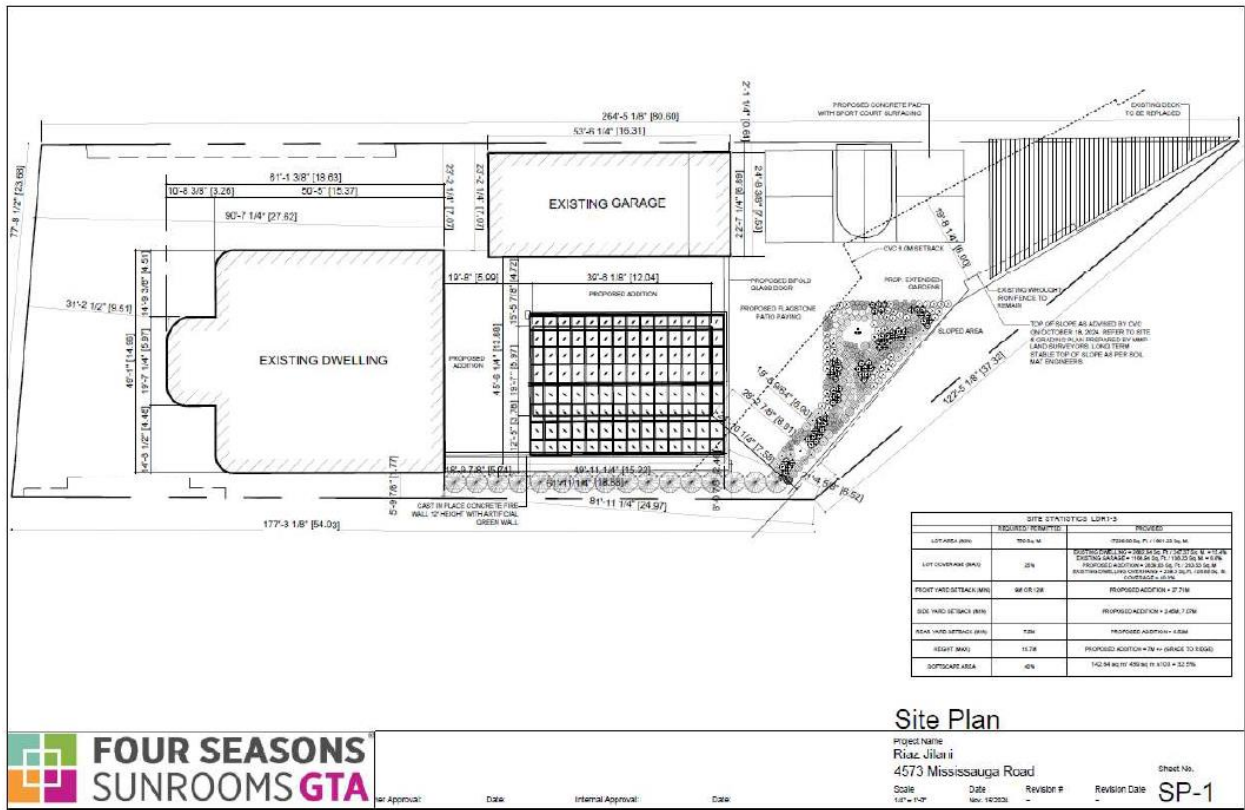
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2. A rear yard of 6.52m (approx. 21.39ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance.

#### COMMENTS:

Based on the review of the information provided (see below image for updated site plan provided on Monday January 20th, 2025) CVC staff has no objection to the approval of the minor variances at this time. CVC staff have reviewed proposed works as part of permit application FF 24/240.

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.

Updated plan provided by applicant to CVC staff on January 20, 2025:



Comments Prepared by: Stuti Bhatt, Junior Planner