

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): A4.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/6/2025 1:00:00 PM

### Consolidated Recommendation

The City has no objection to the minor variance application.

### Application Details

The applicant requests the Committee to approve a minor variance to allow an additional residential unit (ARU) proposing a maximum floor area – detached ARU of 124sq m (approx. 1334.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area – detached ARU of 100.00sq m (approx. 1076.39 sq ft) in this instance.

### Background

**Property Address: 5128 Elderview Ct**

#### Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

**Zoning: R2-8 -Residential**

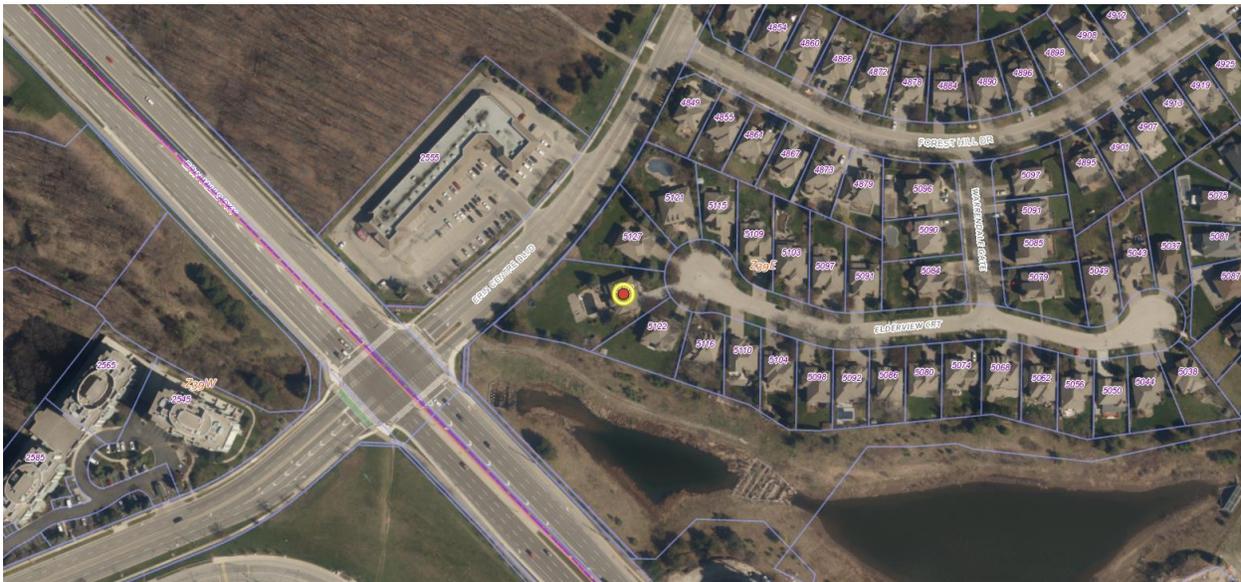
**Other Applications: None**

#### Site and Area Context

The subject property is located south-east of the Erin Mills Parkway and Erin Centre Boulevard intersection in the Central Erin Mills Neighbourhood Character Area. It is an interior lot

containing a three-storey detached dwelling with an attached garage. The subject property has an approximate lot frontage of +/- 19.77m (64.86ft) and a lot area of +/- 2,912.50m<sup>2</sup> (31,349.88ft<sup>2</sup>). Limited landscaping elements are present with mature vegetation along the property frontage and lot boundaries. The surrounding context is predominantly residential, consisting of detached dwellings, but also includes a mix of uses including a commercial plaza to the north and greenlands abutting the property to the west.

The applicant proposes an additional residential unit (ARU) in the rear yard requiring a variance for gross floor area (GFA).



## 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:

Staff note that this property came before Committee on June 13, 2024, proposing a severance of the existing lot to create two new residential lots. The application was refused by staff primarily due to access restrictions for the severed lot. Since then, the applicant has returned with a new application proposing an ARU requiring a variance for accessory structure floor area.

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Section 9 of 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. Bill 23, More Homes Built Faster Act, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available.

Planning staff are of the opinion that the proposed built form of the ARU is appropriate for the subject property and that it will not negatively impact the community. Further, staff are satisfied that the proposal respects the designated and surrounding land uses. Therefore, planning staff are of the opinion that the requested variances maintain the general intent and purpose of the official plan.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

By-Law 0174-2023 was passed by city Council, on November 10, 2023, amending the City’s parent zoning By-Law 0225-2007, to introduce and regulate Accessory Residential Units (ARU).

Variance #1 pertains to the ARU gross floor area. The intent of the zoning by-law provisions regarding the size of the ARU is to ensure that the structure is proportional to the lot and dwelling while not presenting any massing concerns to neighbouring lots. Staff note that the ARU area regulations are based on a property’s lot size. The proposed ARU floor area exceeds the maximum permissible floor area for an ARU by 24 m<sup>2</sup> (258.33 ft<sup>2</sup>). Staff are satisfied that these are minor deviations given the parcel area. Further, staff are satisfied that the proposed ARU is accessory to the subject property as it is two-storey in height and represents approximately 4.25% of the total lot area. Staff are of the opinion that the proposed ARU is located appropriately on the subject property and does not require setback or lot coverage variances mitigating potential negative impacts to neighbouring lots. Staff note that the subject property abuts greenlands at the rear (west) the property, further limiting any massing impacts on neighbouring lots.

Given the above, staff are satisfied that requested GFA meets the general intent and purpose of the zoning by-law.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the proposed ARU represents appropriate development of the lands. Staff are satisfied that the requested variance respect the surrounding context and that the impacts are minor and will not cause undue impacts on adjacent properties.

Comments Prepared by: Sara Ukaj, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed additional residential unit (ARU) as it will not impact or alter the existing grading and drainage pattern for this property. This is an exceptionally large property which can easily accommodate an ARU with no drainage issues.







Comments Prepared by: Tony Iacobucci, Development Engineering

### **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: Carrie Chan Patch, Zoning Examiner

### **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 Woodland Chase Trail (P-269), 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...;

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

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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 Removal Permit, 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/>.

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**

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 [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

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 at 905.791.7800 x7973 or by email at [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

#### **Conditions:**

Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.

Comments Prepared by: Petrele Francois, Junior Planner

#### **Appendix 5 – 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 Mullet 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 an additional residential unit (ARU) proposing a maximum floor area detached ARU of 124sq m (approx. 1334.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area detached ARU of 100.00sq m (approx. 1076.39 sq ft) 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 as the variance proposed relates to maximum floor area only.

Please be advised that the property is regulated by CVC, and a CVC permit is required for the proposed development. The applicant should note that the proposed development must maintain a sufficient setback from the natural feature of interest to the CVC. CVC staff will provide further comments during the permitting stage to ensure compliance with CVC policies and regulations.

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