

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A396/20
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

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 requested, meets the requirements of Section 45(1) of the *Planning Act*.

Application Details

The Applicants request the Committee to approve a minor variance to allow the reconstruction of a rear deck on the subject property, proposing:

1. A lot coverage of 38.19% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area, in this instance; and,
2. A rear yard measured to a G1 zone of 2.84m (approx. 9.32ft); whereas, By-law 0225-2007, as amended, requires a minimum rear yard measured to a G1 zone of 5.00m (approx. 16.40ft), in this instance.

Background

Property Address: 1131 Highgate Place

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low density I

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Other Applications:

Building Permit: 20-3020

Site and Area Context

The subject property is located south-west of the Eastgate Parkway and Tomken Road intersection, and currently houses a two-storey, detached dwelling with an attached double-car garage. The site is contiguous to an open space / landscaped trail to the rear. Contextually, the area is comprised of a mixture of detached and semi-detached residential structures. The properties within the immediate area possess lot frontages of approximately 9.5m, with minimal vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 399.4m² and a lot frontage of approximately 9.7m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Generally, the intent in providing setbacks to a Greenland Zone is to ensure that any proposed development will not have significant or lasting negative impacts upon any neighbouring environmentally sensitive land-features. Planning Staff note the absence of any concerns identified by the applicable Conservation Authority, charged with the protection of such features, in this instance.

Further, as is the case with the majority of porch-related coverage variances, Planning Staff note the absence of any “true” or perceivable massing resulting from this proposal.

Through a detailed review, Staff is 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.

Conclusion

The Planning and Building Department 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*.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the rear yard area and note that we have no drainage related concerns with the request.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-3020. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.

3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Natural Areas and Corridors (NAC) (Woodland) of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the TRCA for the review of applications located within the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on November 9, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*, the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020 (PPS)*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

The purpose of this Minor Variance Application is to request the following variances:

1. A lot coverage of 38.19% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance; and
2. A rear yard measured to a G1 zone of 2.84m (approx. 9.32ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a G1 zone of 5.00m (approx. 16.40ft) in this instance.

It is our understanding that the purpose of the above variance is to allow the existing rear deck to remain.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 396/20.

Application Specific Comments

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a valley corridor of Etobicoke Creek and its associated Regional Floodplain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the applicant was granted a permit by TRCA to recognize the development of a 27.96 sq.m. (300.96 sq.ft.) deck attached to the rear of the existing house on the subject property (Permit No. C-200799). Based on our review, it appears that the proposed works in this application are consistent with the approved permit. As such, TRCA staff have no concerns with the proposed variance, as currently submitted.

However, TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Lina Alhabash

Planner I

Planning and Development

Tel: (416) 661-6600, Ext.5657

Lina.Alhabash@trca.on.ca

Comments Prepared by: Lina Alhabash, Planner I

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer