

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): A25.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-01-28

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. The applicant may choose to defer the application to ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a deck/patio above an accessory building (below grade pool equipment) whereas By-law 0225-2007, does not permit a deck/patio above an accessory building in this instance.

Background

Property Address: 96 Cumberland Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R15-9 - Residential
Other Applications

Pre-Application: 20-1616

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, southeast of Hurontario Street and Lakeshore Road East. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. Further north of the subject property are commercial uses along Lakeshore Road East. The subject property has water frontage and contains an existing one storey dwelling with little mature vegetation.

The subject property received minor variance approval on October 22nd, 2020, for a new two storey detached dwelling. However, as more information was submitted, an additional variance was identified for a deck/patio above an accessory structure whereas it is not permitted.



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:

Through a review of the application, the proposed deck and patio is above an accessory structure that is located below grade which does not pose any significant impacts to neighbouring properties. 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. The applicant may choose to defer the application to ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, 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 property will be addressed through the Building Permit process, File BP 9NEW 20/4379.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building permit under file BP 9NEW 20-4379. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variances will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 4 – Heritage

No Heritage Concerns.

Comments Prepared by: John Dunlop, Manager, Heritage Planning

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-25/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area 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 CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. 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)*;
4. 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;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is adjacent to Lake Ontario and is therefore subject to the Lake Ontario Shoreline flooding and erosion hazards. In this regard, our primary concerns are related to ensuring that all new development is located outside of the hazards associated with the Lake, including the 100 year erosion limit, the 100 year flood limit, wave uprush and stability hazards associated with the slope.

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). 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 applicants request the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A deck/patio above an accessory building, which is not permitted in this instance.

COMMENTS:

CVC staff have reviewed the proposed development through two permit applications and have previously provided two permits (FF 20/066 dated March 24, 2020 and FF 20/077 dated August 11, 2020) for the pool and dwelling. The proposed pool equipment room was not shown on the plans approved by CVC; however, CVC staff have **no concerns** with the location of the proposed works. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

The applicant is advised that a revised CVC permit will be required for the development as proposed.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner