

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A65.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances, as amended.

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 31% (344.43sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (277.05sq.m) in this instance;
2. A gross floor area of 490.81sq.m (approx.. 5,283.03sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 411.64sq.m (approx.. 4,430.86sq.ft) in this instance;
3. An eave encroachment in the side yard of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.47ft) in this instance;
4. A building height measured to the eaves of 8.83m (approx. 28.97ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A building height measured to the height of the highest ridge of 10.82m (approx. 35.50ft) whereas By-law 0225-2007, as amended, permits a maximum building heights to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
6. A combined side yard width of 6.24m (approx. 20.47ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.09m (approx. 23.26ft) in this instance;
7. A side yard measured to the second storey of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance;
8. A side yard measured to the first storey of 1.43m (approx. 4.69ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.81m (approx. 5.94ft) in this instance; and
9. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

Amendments

Variance #2 should be amended as follows:

A proposed Gross Floor Area – Infill Residential of 490.81m² proposed, whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Infill Residential of 411.64m² in this instance;

Background

Property Address: 1562 Pinetree Cres

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

Zoning: G1, R1-2 (Greenlands, Residential)

Other Applications:

Building Permit: 20-2334

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and the Queen Elizabeth Way (QEW). The neighbourhood is entirely residential consisting of large lots with significant mature vegetation, containing one and two storey detached dwellings. The subject property is a deep lot with an existing one storey dwelling with mature vegetation throughout the lot. The property also abuts the Credit River.

The application proposes ground floor additions and a second storey addition, resulting in variances related to lot coverage, gross floor area, deficient setbacks, increased dwelling heights and number of kitchens.



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:

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

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. As per Section 16.18.1 of the Mineola Neighbourhood Character Area infill regulations, new housing is encouraged to fit the scale and character of the surrounding area. The proposed additions respect the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed variances maintain the context of the surrounding neighbourhood and

do not negatively impact the existing and planned streetscape character. As such, staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 proposes a lot coverage of 31% whereas a maximum of 25% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the excessive lot coverage can be attributed to the porch, deck, eaves and shed which make up approximately 6% of the total lot coverage. Excluding these features, the dwelling would have a lot coverage of approximately 25%, maintaining by-law provisions and reducing the impact to abutting properties. Staff is of the opinion that the variance maintains the general intent and purpose of the zoning by-law.

Variance #2 proposes a gross floor area of 490.81 m² whereas a maximum of 411.64 m² is permitted. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings, while ensuring the existing and planned character of the neighbourhood is preserved. In this instance, the total area of the lot is 2,537.54 m². It is important to note that the property has dual zoning and a significant portion of the rear of the property is zoned G1 (Greenlands) which makes up 1,429.34 m² of the total lot area. The G1 zone is excluded from the calculation of gross floor area, thereby impacting the amount of gross floor area that is permitted. If the entire lot area was included in the calculation of gross floor area, the maximum permitted would be 697.50 m², greater than the gross floor area being proposed. Furthermore, the proposed second storey addition contains architectural features such as a staggered front façade and gables which break up the overall massing of the dwelling and limits the impact to the streetscape character. Staff is of the opinion that the proposed addition maintains the character of the surrounding neighbourhood and that the general intent and purpose of the zoning by-law is maintained.

Variances #4 and 5 propose an increased dwelling height of 10.82 m and eave height of 8.23 m whereas a maximum dwelling height of 9.50 m and eave height of 6.40 m is permitted. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. In this instance, the difference between average grade and finished grade is approximately 1.15 m. If the dwelling was measured from finished grade, the overall dwelling height from the street would be 9.67 m with an eave height of 7.08 m. The proposed height represents a minor deviation that would not significantly impact the character of the neighbourhood from a streetscape perspective. Furthermore, the dwelling contains architectural features which breaks up the overall roofline and reduces the impact of the increased eave height. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances relate to deficient side yards, eave projection and number of kitchens. In this instance, the side yards are measured to the narrowest points of the existing dwelling. The proposed additions do not encroach further into the required side yards. At the widest point,

the dwelling maintains the required side yard and combined side yard width, minimizing the impact to abutting properties. The increased eave projection represents a minor deviation from what is permitted and would not result in any additional undue impact. Finally, the increase in number of kitchens is an existing condition and is internal to the dwelling. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process. Further, the proposed variances raise no concerns of a planning nature in this instance.

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

The proposed variances maintain the context of the surrounding neighbourhood and do not pose any significant impact to the streetscape character. The building footprint maintains the permitted lot coverage within the by-law, however it is only the covered porch, deck and eave projections that increase the overall lot coverage. These features do not present any massing concerns to abutting properties. The increased gross floor area is due to a large portion of the property being excluded from the gross floor area calculation. If the entire property was included in this calculation, the proposed gross floor area would be within regulation. Regarding the increased dwelling height and eave height, a majority of the height increase is due to the difference between average and finished grade. As such, from a streetscape perspective, the dwelling does not present any significant massing concerns from what is permitted. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variances, as amended.

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 proposed addition will be addressed through the future Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 20-54. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

A proposed Gross Floor Area – Infill Residential of 490.81m² proposed, whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Infill Residential of 411.64m² in this instance;

Our comments are based on the plans received by Zoning staff on 09/23/2020 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

Appendix 5 – Region of Peel Comments

A-65/21

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

Please be advised that a portion of the subject property is located within the following Core Areas of the Greenlands Systems in Peel, under Policy 2.3.2 the Regional Official Plan (ROP):

1. Core Area – Valley Corridor
2. Core Area – Area of Natural and Scientific Interest (ANSI) (Life Science)
3. Core Area – Environmentally Significant Area (ESA)
4. Core Area – Wetland

The entirety of the subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of 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 CVC and incorporate their conditions of approval appropriately.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 8243 or by email at diana.guida@peelregion.ca

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 traversed by the floodplain and valley slope associated with the Credit River and a Provincially Significant Wetland (PSW). In addition, the property appears to be located within the City of Mississauga Natural Heritage System (NHS), Life Science Area of Natural and Scientific Interest (ANSI), Environmentally Significant Area (ESA), Region of Peel Core Greenlands and the Credit River Watershed NHS. 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 an addition proposing:

1. A lot coverage of 31% (344.43sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (277.05sq.m) in this instance;
2. An eave encroachment in the side yard of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.47ft) in this instance;
3. A building height measured to the eaves of 8.83m (approx. 28.97ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
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7. A side yard measured to the first storey of 1.43m (approx. 4.69ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.81m (approx. 5.94ft) in this instance; and
8. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** with the requested variances. CVC staff are currently reviewing a Site Plan application (SP 20/054) for the proposed development and any outstanding CVC concerns will be addressed during the site plan approval process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit will be required for the proposed development.

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