

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A28.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A lot coverage of 26.94% (326.86sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (303.33sq.m) in this instance;
2. A building height measured to the eaves of 7.26m (approx. 23.82ft) 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;
3. A combined width of side yards of 24.34% of the lot frontage (6.53m/21.42ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (7.24m/23.75ft) in this instance;
4. An eave encroachment into the required front yard of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into the required front yard of 0.45m (approx. 1.48ft) in this instance; and
5. An encroachment into the front yard measured to a planter of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, does not permit an encroachment into the front yard measured to a planter in this instance.

Background

Property Address: 1495 Lochlin Trail

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-1 (Residential)

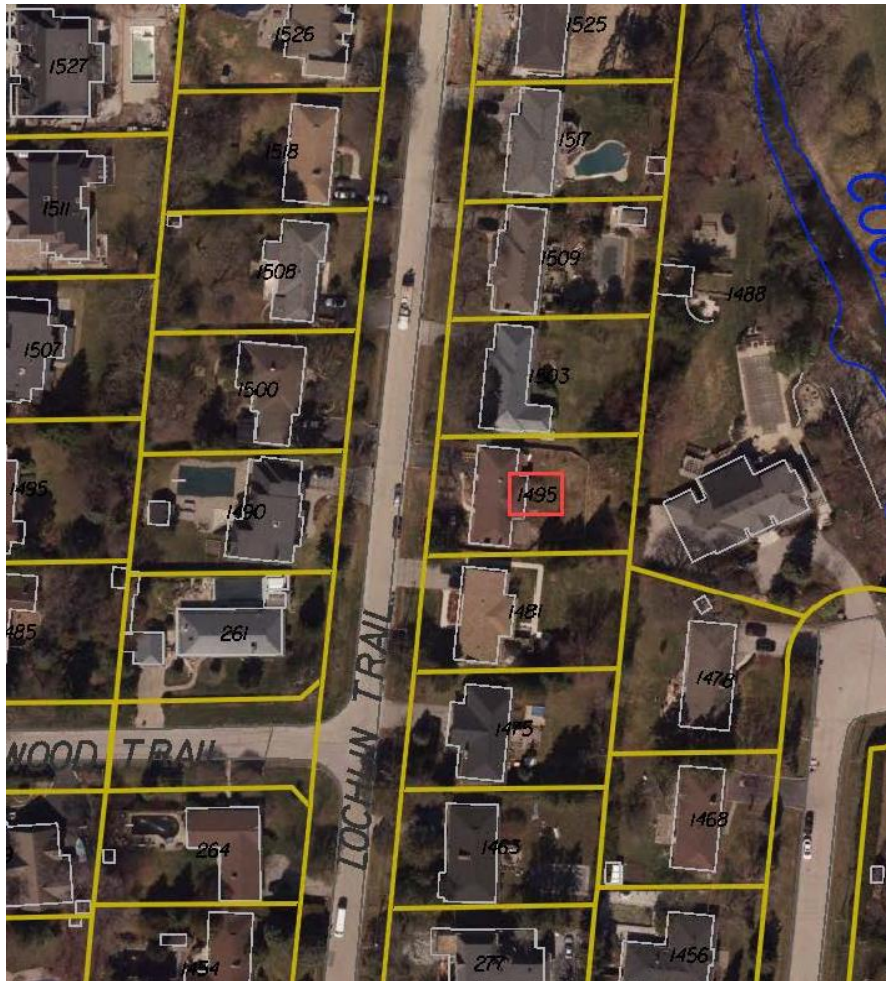
Other Applications:

Site Plan Application: 19-152

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of Hurontario Street and Mineola Road East. The neighbourhood is entirely residential, consisting one and newer two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with significant mature vegetation within the front yard.

The applicant is proposing a new two storey dwelling, requiring variances related to lot coverage, eave height, combined side yard setbacks and encroachments in the front yard.



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 (MOP) which permits detached, semi-detached and duplex dwellings. Section 16.18.1 in the Mineola Neighbourhood Character Area of MOP, states that new housing is

encouraged to fit the scale and character of the surrounding area. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The scale of the proposal is also consistent with other two storey dwellings within the neighbourhood. 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 26.94% 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 is due to the covered porch and eave overhangs which make up approximately 3.80% of the total lot coverage. The dwelling itself, maintains a lot coverage of approximately 23%, less than the maximum permitted. These features do not add significant massing to the dwelling, thereby reducing the impact to the established streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes an eave height of 7.26 m whereas 6.40 m is permitted. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. This results in a lower overall pitch of the roof and keeps the dwelling within a human scale. The dwelling maintains an overall height of 9.50 m, which is consistent with the maximum permitted height in the zoning by-law and mitigates any impact from the increased eave height. Additionally, the eave height is measured from average grade which is approximately 0.48 m below established grade. If the dwelling was measured from established grade, the eave height would be 6.78 m which represents a minor deviation from what is permitted and does not significantly alter the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a deficient combined side yard width. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. In this instance, the combined side yard width is measured to the narrowest points of the dwelling and do not continue throughout the entire length of the dwelling. From the widest point, the proposed dwelling exceeds the zoning by-law requirements and preserves access to the rear yard. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances relate to projections into the front yard measured to the eaves and planter. The proposed variances do not add any significant massing to the dwelling and will not result in an inconsistent streetscape. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and further, raise no concerns of a planning nature.

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 a significant impact to the streetscape character. The dwelling maintains the maximum height permitted which lessens the impact of the increased eave height. Additionally, the combined side yard width is measured to the narrowest points of the dwellings which does not continue throughout the entire length of the dwelling. From the widest points, the dwelling exceeds the combined side yard width setback, allowing for direct access to the rear yard. 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. The applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment

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 dwelling are being addressed through the Site Plan Application process, File SP-19/152.

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 19-152. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 12/23/2021 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

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 the floodplain associated with Cooksville Creek. 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 dwelling proposing:

1. A lot coverage of 26.94% (326.86sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (303.33 sq.m) in this instance;
2. A building height measured to the eaves of 7.26m (approx. 23.82ft) 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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required front yard of 0.45m (approx. 1.48ft) in this instance; and

5. An encroachment into the front yard measured to a planter of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, does not permit an encroachment into the front yard measured to a planter in this instance.

COMMENTS:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided clearance on a Site Plan application (SP 19/152) for the proposed development previously. 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 is 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