

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A112.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

The City has no objections to the requested variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A front yard of 8.61m (approx. 28.24ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.53ft) in this instance;
2. A height to the highest ridge of 10.71m (approx. 35.14ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. A height measured to the eaves of 7.18m (approx. 23.56ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A garage projection of 8.31m (approx. 27.26ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
5. A dwelling unit depth of 27.44m (approx. 90.03ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width of 13.27m (approx. 43.54ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. An area of an accessory structure of 33.08sq.m (approx. 356.07sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
8. An accessory structure partially between the front wall of the dwelling and the front lot line whereas By-law 0225-2007, as amended, does not permit an accessory structure between the front wall of the dwelling and the front lot line in this instance.

Background

Property Address: 1250 Glen Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

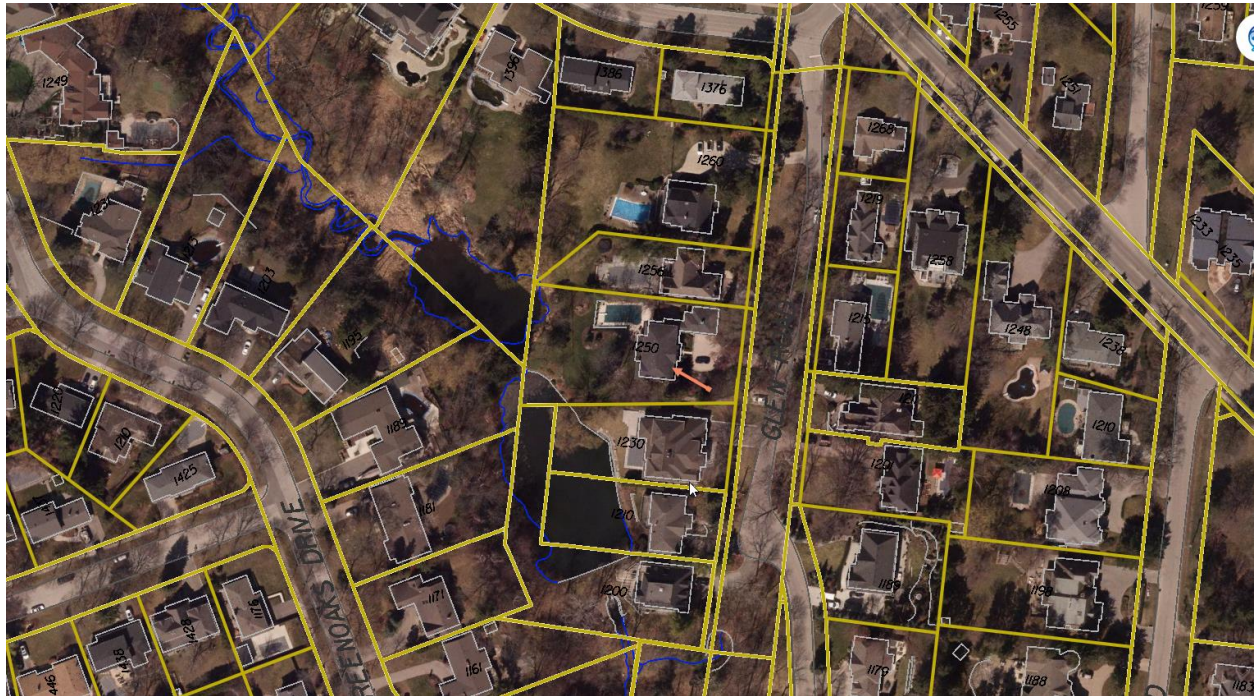
Other Applications

Site Plan Application: 20-121

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lorne Park Road and Glen Road. The neighbourhood consists of large lots with one and two storey detached dwellings and significant mature vegetation. The subject property contains an existing two storey dwelling with a projecting garage and mature vegetation in the front and rear yard. The subject property also abuts Birchwood Creek which is a Significant Natural Area that encompasses a portion of the rear yard.

The applicant is proposing a new two storey dwelling on the existing foundation, requiring variances related to front yard setback, height, garage projection, dwelling depth, driveway width and accessory structures.



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 Greenlands and Residential Low Density I in Schedule 10 of MOP. The intent of the Greenlands designation is to protect any natural feature and hazards on a site. The Credit Valley Conservation (CVC) Authority have reviewed the proposal and have no concerns. As such, the Greenlands designation will not be impacted by a result of this development. The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. As per Section 16.5.1.4 (Infill Housing), infill housing is encouraged to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The proposed dwelling will be built using the existing foundation of the existing two storey dwelling. The proposal does not encroach further into any required yards than what currently exists and would maintain the character streetscape as it

remains today. 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?

Variances #1, 4, 5, 6 relate to existing conditions regarding the front yard setback, dwelling depth, projecting garage and driveway width. The new two storey dwelling will be constructed on the existing foundation and as a result will not pose any further impact from what exists today. The front yard setback is generally in line with the neighbouring dwellings, presenting a consistent streetscape. The projecting garage and dwelling depth is located on the north side of the dwelling and is generally in line with the neighbouring property. Thus, minimizing any impact of a long continuous wall on the neighbouring property. Additionally, the proposed dwelling depth and garage projection does not extend further into the rear and front yard from what currently exists. Regarding the increased driveway width, it is measured from the widest point and does not continue throughout the entire length of the driveway. Towards the street, the driveway narrows, maintaining by-law requirements. Furthermore, the soft landscaped area within the front yard significantly exceeds the zoning by-law requirements.

Variances #7 and 8 relate to an accessory structure that is located below grade between the dwelling and the projecting garage. As the accessory structure is below grade, there will be no massing impacts to the neighbouring property.

Based on the preceding information, staff is of the opinion that variances #1, 4, 5, 6, 7, and 8 are appropriate to be handled through the Committee of Adjustment process.

Regarding variances #2 and 3, the application proposes an height of 10.71 m to the highest ridge whereas 9.50 m is the maximum permitted and an eave height of 7.18 m whereas 6.40 m is the maximum 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. This brings the edge of the roof closer to the ground, thereby giving the dwelling a more human scale. The requested height variances are mostly attributed to the discrepancy between average and established grade. The average grade is approximately 1.17 m below the established grade. If the dwelling was measured from established grade, the overall height would be 9.54 m and the eave height would be 6 m. The overall height would represent a minor deviation from what is permitted and would have minimal impact on the streetscape character. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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 from what currently exists. The dwelling maintains a height of 9.54 m measured from established grade at the street, which is a minor deviation from what is permitted. The proposed eave height is within by-law regulation, thereby,

lessening the overall massing of the dwelling. 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.

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 dwelling are being addressed through the Site Plan Application process, File SPI-20/121.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application SP 20-121. From a review of this application it appears the variances requested are correct.

Our comments are based on the plans received by Zoning staff on 2/11/2021 for the above captioned 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 application, 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 preliminary zoning review process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

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 an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. 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.

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 associated with Birchwood Creek. In addition, the property appears to be located within the City of Mississauga Natural Heritage System (NHS), 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 a new house proposing:

1. A front yard of 8.61m (approx. 28.24ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.53ft) in this instance;
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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 20/121) 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