

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A218.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A gross floor area of 474.64sq.m (approx. 5108.98sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 469.08sq.m (approx. 5049.14sq.ft) in this instance;
2. A southerly side yard of 1.59m (approx. 5.22ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance; and
3. A combined width of side yards of 11.37% of the lot width (3.06m/10.04ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot width (7.27m/23.85ft) in this instance.

Background

Property Address: 1618 Watersedge Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Other Applications

Pre-Application: 21-5828

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and Clarkson Road South. The immediate neighbourhood is entirely residential, consisting of large lots with one and two storey single detached dwellings with significant mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation.

The applicant is proposing to construct a second storey addition, requiring variances related to gross floor area and side yard setbacks.



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. As per Section 16.5.1 of MOP, infill housing is encouraged to fit in scale and character of the surrounding area; ensuring new development has minimal impact on its adjacent neighbours; preserve and enhance generous front, rear and side yard setbacks. The proposed addition is consistent with other two storey dwellings in the immediate area and preserves sufficient front, rear and side yard setbacks. 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 gross floor area of 474.64 m² whereas a maximum of 469.08 m². The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring the existing and planned character of a neighbourhood is preserved. The proposal is consistent with newer two storey dwellings within the immediate area and does not pose a negative impact to the streetscape character. Additionally, the increased gross floor area is a minor deviation from the zoning by-law and does not pose any additional undue impact from what is currently permitted.

Variance #2 and 3 proposes a deficient southerly side yard and combined side yard width. The intent 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 deficiencies represent existing conditions. The proposed second storey addition does not encroach further into the required side yard from what currently exists. Additionally, from the widest point of the dwelling, the combined side yard setback is approximately 4.91 m, maintaining a sufficient buffer to neighbouring properties. 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 addition maintains the existing and planned context of the surrounding neighbourhood. The additional gross floor area is a minor deviation from the zoning by-law and does not present significant massing concerns to abutting properties. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

While Planning staff have no objections in principle to the requested variance, the Credit Valley Conservation Authority (CVC) has requested that the application be deferred as a site specific Shoreline Hazard Assessment is required. The requested assessment may impact the proposed addition and required variances. As such, staff recommends that the application be deferred to address CVC concerns.

Conclusion

The Planning and Building Department recommends that the application be deferred.

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 Site Plan/Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-5828. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, 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 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 applicant requests the Committee to approve a minor variance to allow the construction of an addition on the subject property proposing:

1. A gross floor area of 474.64sq.m (approx. 5108.98sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 469.08sq.m (approx. 5049.14sq.ft) in this instance;
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(7.27m/23.85ft) in this instance.

COMMENTS:

CVC staff have reviewed the proposal at the pre-consultation stage and **have concerns** with regards to the proposed addition. CVC staff provided comments and discussed with the applicant, requesting a site-specific Shoreline Hazard Assessment. It is our understanding that the assessment is currently being prepared and will be submitted to CVC for review once it is completed.

As such, CVC staff request a **deferral** of the minor variance by the Committee until such time that the requested information has been provided, the assessment has been reviewed to our satisfaction, and all outstanding concerns have been addressed.

It should be noted that a 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