

City of Mississauga Department Comments

Date Finalized: 2021-10-19	File(s): B54.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent and associated minor variance applications.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 10.06m (approx. 33.01ft) and an area of approximately 454.9sq.m (approx. 4,896.5sq.ft).

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

1. A lot coverage of 39.95% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A side yard (westerly) of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum of 1.81m (approx. 5.93ft) in this instance;
3. A side yard (easterly) of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum of 1.81m (approx. 5.93ft) in this instance;
4. A building height measured to a flat roof of 7.83m (approx. 25.69ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to flat roof of 7.50m (approx. 24.60ft) in this instance; and
5. An eave encroachment of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance.
6. A lot frontage of 10.06m (approx. 33.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance; and
7. A lot area of 454.9sq.m (approx. 4,896.50sq.ft) whereas By-law 0225-2007, as amended, permits a minimum lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance.

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

1. A lot coverage of 40.88% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A side yard (westerly) of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended,

requires a minimum of 1.81m (approx. 5.93ft) in this instance;

3. A side yard (easterly) of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum of 1.81m (approx. 5.93ft) in this instance; and

4. A building height measured to the eaves of 6.42m (approx. 21.06ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to flat roof of 6.40m (approx. 20.99ft) in this instance.

5. A lot frontage of 10.06m (approx. 33.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance; and

6. A lot area of 454.9sq.m (approx. 4,896.50sq.ft) whereas By-law 0225-2007, as amended, permits a minimum lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff note that variance #7 should be added as follows for the proposed severed lands:

7. An eave encroachment of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 926 Goodwin Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4 - Residential

Other Applications: Minor Variance A414.19, A415.21 and Consent B64.19

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Lakeshore Road East. The neighbourhood is entirely residential,

consisting of one storey and newer two storey detached dwellings with mature vegetation. The subject property received provisional consent approval on October 31st, 2019 severing the lot into two new parcels for the purpose of developing detached dwellings, however, conditions of provisional consent were not cleared within the one year period.

The applicant is submitting new applications for consent and minor variances. The applicant is proposing creation of two new lots with two new two storey dwellings requiring variances related to lot coverage, lot area, side yard setbacks, flat roof height and eave overhang.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning staff's comments are as follows:

The subject property received provisional approval on October 31st, 2019 to sever the existing parcel into two new lots with frontages of 10.06m (approx.33.01ft) and lot areas of 454.90m² (approx. 4,896.50ft²) . On July 15th, 2021, the applicant's agent presented two minor variance applications to the Committee to accommodate two detached dwellings on the two new lots. Through discussions with the Committee of Adjustment office, it was determined that the conditions of provisional consent were not cleared within the one year period. A certificate of approval was never issued and the conditions associated with the consent expired. As such, the Committee deferred the minor variance applications on July 15th, 2021. The applicant has resubmitted a new consent and minor variance applications requesting approval for the creation of two new lots with two detached dwellings. Staff and the Committee supported the consent and minor variance applications brought forward in 2019, and the applicant's proposal has not changed. Planning staff are agreement with the conclusions made by staff and the Committee at that time.

Minor Variance

The following are variances sought through applications brought forward to the Committee on July 15th, 2021. Staff did not previously evaluate these variances, as the certificate of consent approval was never issued and the conditions associated with the consent expired.

Staff comments concerning the four tests to the 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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the Lakeside Precinct of the South Residential Neighbourhood and are subject to the policies within the Lakeview Local Area Plan. Section 10.3 (Built Form Types) of the Local Area Plan, states new housing within Lakeview should maintain the existing character of the area. The proposed dwellings maintain compatibility with newer two storey dwellings in the immediate area and will

not significantly alter the streetscape character that currently exists in the community. 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?

The following are staff's comments pertaining to the proposed retained lands:

Variance #1 proposes a lot coverage of 39.95% whereas a maximum of 35% is permitted. The intent in restricting lot coverage is to ensure that the lot is not overdevelopment. The excessive lot coverage is due to the overhang of the eaves, which makes up approximately 7% of the total lot coverage. The dwelling footprint including the front porch has a lot coverage of approximately 33%, which is less than the maximum permitted. The overhang of the eaves do not add significant massing to the dwelling thereby limiting the impact of the development towards neighbouring properties and the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 and 3 propose deficient side yards measured to the second storey. 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. Through a review of the immediate neighbourhood, similar deficiencies are common with newer two storey dwellings. The proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes a flat roof height of 7.82m (approx. 25.66ft) whereas a maximum of 7.50m (approx. 24.61ft) is permitted. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that would have been permitted up to a height of 10.70m (approx. 35.11ft), which could accommodate a three storey dwelling. In this instance, the difference between average grade and finished grade is approximately 0.17m (approx. 0.56ft). From a streetscape perspective, the proposed flat roof dwelling breaks up the first and second storey, thereby minimizing the overall massing of the dwelling. Additionally, the height is also measured to the top of the parapet which is only located at the front of the dwelling and spans only a portion of the roof. The remaining portion of the flat roof maintains a height of 7.22m (approx. 23.69ft). Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes an eave overhang of 0.61m (approx. 2ft) whereas a maximum of 0.45m (approx. 1.48ft) is permitted. The overhang of the eaves do not add any significant massing to the dwelling from what the by-law currently permits. Staff is of the opinion that this variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature, in this instance.

The following are staff's comments pertaining to the proposed severed lands:

Variance #1 proposes a lot coverage of 40.88% whereas a maximum of 35% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. The dwelling footprint including the front porch has a lot coverage of approximately 33% which is less than the maximum permitted lot coverage. The remaining portion of the lot coverage is attributed to the overhang of the eaves. The eave overhang does not add any significant massing to the dwelling thereby limiting the impact of the development towards neighbouring properties and the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 and 3 propose deficient side yards measured to the second storey. 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. Through a review of the immediate neighbourhood, similar deficiencies are common with newer two storey dwellings. The proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes an eave height of 6.42 m (approx. 21.06ft) whereas 6.40m (approx. 21ft) is permitted. This is a minor deviation from the zoning by-law and is also measured from average grade which is 0.20m (approx. 0.66ft) below established grade. Staff is of the opinion that this variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature, in this instance.

Through a review of the application, it appears an additional variance would be required for the overhang of the eaves. The applicant is proposing an eave overhang of 0.61m (approx. 2 ft) whereas the by-law permits a maximum overhang of 0.45m (approx. 1.36ft). The overhang of the eaves do not add any significant massing to the dwelling from what the by-law currently permits. Staff is of the opinion that this variance is appropriate to be handled through the minor variance process and raises 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 dwellings maintain the existing and planned context of the surrounding neighbourhood. The dwellings contain architectural features, which break up the overall massing to the streetscape. The increased lot coverage is only due to the eave overhang, which does not add any significant massing to the dwelling. Regarding the deficient setbacks, the variances are similar to newer two storey dwellings within the immediate neighbourhood and will not adversely affect neighbouring properties from what is permitted. The increased flat roof height is measured

to the top of the parapet, which makes up a small portion of the overall roof area and is limited to a portion of the front of the dwelling. The remaining portion of the flat roof maintains a height less than the maximum permitted height of 7.50m (approx. 24.61ft). Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 1800mm storm sewer on Goodwin Road. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

For further information please contact Ghazwan Yousif at ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 54/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Daniel Grdasic, Planning Associate

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- Norway Maple – Good Condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. The applicant shall provide tree protection securities in the amount of \$2,200.00 for the preservation of the municipal tree.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all

archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 261-262/21)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-19.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-19.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-19.
7. A letter shall be received from the Region of Peel, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-15.

8. A letter shall be received from the Bell Canada, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 12, 2021.