

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A222.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. A gross floor area of 539.60sq.m (approx. 5,808.21sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 500.11sq.m (approx. 5,383.14sq.ft) in this instance;
2. A height to ridge of 9.32m (approx. 30.58ft) whereas By-law 0225-2007, as amended, permits a maximum height to ridge of 9.0m (approx. 29.53ft) in this instance;
3. A height of 6.93m (approx. 22.74ft) measured to the underside of eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) measured to the underside of eaves in this instance;
4. A garage projection of 4.68m (approx. 15.35ft) from the main building wall whereas By-law 0225-2007, as amended, permit a maximum garage projection of 2.02m (approx. 6.56ft) in this instance; and
5. An existing rear yard setback of 5.69m (approx. 18.67ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 51 River Rd

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I & Greenlands

Zoning By-law 0225-2007**Zoning:** R2-50 - Residential & G1 - Greenlands**Other Applications:** BP 9ALT 21-9636**Site and Area Context**

The subject property is located south-east of the Queen Street South and Britannia Road West intersection in the Streetsville neighbourhood. Currently the property contains a single storey detached dwelling with mature vegetation spread throughout the lot. It has a lot area of +/- 5,200.52m² (55,978ft²) and represents the largest residential lot in the neighbourhood. The surrounding area context is a mix of open space surrounding the Credit River, which abuts the property on two sides, and detached dwellings on smaller lots.

The applicant is proposing an addition requiring variances for gross floor area, height to the roof and eaves, garage projection, and a rear yard setback.

**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 located in the Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are satisfied that the proposed dwelling maintains the permitted use and that the design of the dwelling is appropriate for the property. In the opinion of staff, the application maintains the general intent and purpose of the official plan.

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

Variance 1 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The proposed increase is minor in nature, and the dwelling is designed in a way to mask some of the massing from both abutting properties and the streetscape.

Variance 2 & 3 request height increases to the highest ridge and eaves, respectively. 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. This keeps the overall height of the dwelling within human scale. Staff note that the grade difference between the front of the dwelling and the street is relatively minor, but due to the grading of the property the Average Grade is below grade for the majority of the dwelling. Staff are satisfied that the increases are minor in nature and will not significantly impact abutting properties or the streetscape.

Variance 4 requests an increased garage projection. The intent of the zoning by-law is to maintain a consistent streetscape while ensuring the garage does not become the dominant feature of the dwelling. Given the property's unusual orientation and size, staff are satisfied that the proposed projection is appropriate as it decreases the need for significant additional paving in the front yard and is appropriately oriented for the site.

Variance 5 requests a reduced rear yard setback. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. Staff note that there are no structures to the rear as the property as the dwelling backs onto the Credit River. Furthermore, the siting of the existing dwelling and its proposed addition allow for considerable amenity area to remain in both the rear and side yards. Furthermore the request represents an existing condition.

Given the above, Planning staff are satisfied that the application maintains the general intent and purpose of the zoning by-law.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. The impacts of the variances will be minor in nature both on abutting properties and the streetscape.

Comments Prepared by: Alexander Davies, 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 Building Permit Process. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-9636. Based on review of the information currently available for this building permit, 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 11/11/2021 for the above captioned building permit 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: Adam McCormack, Zoning Examiner

Appendix 3 – Parks, Forestry, & Environment Comments

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Timothy Street Park (P-127) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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 – Credit Valley Conservation Comments

It is our understanding the application at 51 River Road, Mississauga requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A gross floor area of 539.60sq.m (approx. 5,808.21sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 500.11sq.m (approx. 5,383.14sq.ft) in this instance;
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5. An existing rear yard setback of 5.69m (approx. 18.67ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Based on the review of the information, CVC staff have no concerns with the requested variances. As such, CVC staff have no objection to the approval of this minor variance by the Committee at this time. Please circulate CVC on any future correspondence regarding this application.

Comments Prepared by: Elyssa Pompa, Junior Planner

Appendix 5 – Region of Peel

Comments: Please be advised that 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: Joseph Filice, Junior Planner