

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A341.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 3:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. 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 an addition with:

1. A front yard setback of 6.06m (approx. 19.88ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.61ft) in this instance;
2. A minimum rear yard setback of 0.0m to the G1 Zone (Greenlands) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 5.0m (approx. 16.4ft) to a G1 Zone (Greenlands) in this instance;
3. A minimum rear yard setback of 1.0m (approx. 3.3ft) to the G1 Zone (Greenlands) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 5.0m (approx. 16.4ft) to a G1 Zone (Greenlands) in this instance;
4. A gross floor area of 370sq.m (approx. 3,982.65sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area 265sq.m (approx. 2,852.44sq.ft) in this instance; and,
5. A lot coverage of 39% whereas By-law 0225-2007, as amended, permits a lot coverage of 25% in this instance.

Amendments

The following variance(s) should be amended as follows:

3. Variance #2 requests a 0m rear yard setback. Variance #3 appears to be redundant in asking for 1m rear yard setback whereas 5m required. Delete.
4. A Gross Floor Area (GFA) – Infill Residential of 370sq.m (approx. 3,982.65sq.ft) whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area (GFA) – Infill Residential of 265sq.m (approx. 2,852.44sq.ft) in this instance;

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5. A lot coverage of 39.5% whereas By-law 0225-2007, as amended, permits a lot coverage of 25% in this instance.

The following additional variance(s) may be required:

Insufficient front yard setback. A minimum 5.9m required to front porch; whereas, 4.5m proposed.

Background

Property Address: 2 Brookside Dr

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: PREAPP 22-496

Site and Area Context

The subject property is located on the south-west corner of the Britannia Road West and Brookside Drive intersection in Streetsville. It currently contains a single storey detached dwelling with an attached garage. The property has a lot frontage of +/- 27.43m (89.99ft) and a lot area of +/- 1,891.36m² (20,358.43ft²). Mature vegetation is scattered throughout the property, and the Mullet Creek runs through the rear yard.

The applicant is proposing to construct an addition to the existing dwelling requiring variances for setbacks, gross floor area, and lot coverage.



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 and Greenlands 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. Staff are satisfied that the proposed dwelling is compatible with the surrounding context and is appropriate given the existing site conditions. Staff are therefore of the opinion that the general intent and purpose of the official plan are maintained.

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

Variance 1 requests a reduced front yard setback to the dwelling, and Zoning staff have identified a further front yard setback variance to the porch. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The front yard setback to

the dwelling represents an existing condition, and the porch does not significantly encroach into the front yard beyond the front wall of the dwelling. In the opinion of staff the application maintains an appropriate front yard space.

Variance 2 requests a reduced rear yard to the G1 zone. Zoning staff have identified that variance 3 is not required. The intent of requiring a setback to a G1 zone is to ensure an appropriate buffer to a natural feature. Staff note that the 0 metre setback represents an existing condition and that the Credit Valley Conservation Authority has raised no objections to the request. The City relies on the expertise of the Credit Valley Conservation Authority on matters relating to natural features and are in agreement with their position.

Variance 4 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings by ensuring the existing and planned character of the neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the revised proposal appropriately balances the existing built form and character of the neighbourhood and is appropriately sized for the lot. Furthermore staff note that the large portion of the property zoned G1 does not qualify as lot area in the calculation for permitted gross floor area, and that if the portion of the property was included a variance would not be required.

Variance 5 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Similar to gross floor area, the portion of the property zoned G1 does not qualify as lot area in the calculation for permitted lot coverage, and if the portion of the property was included a variance would not be required. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is generally in line with both original and newer dwellings in the area.

Given the above, it is the opinion of Planning staff 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?

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands given existing site conditions and constraints. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

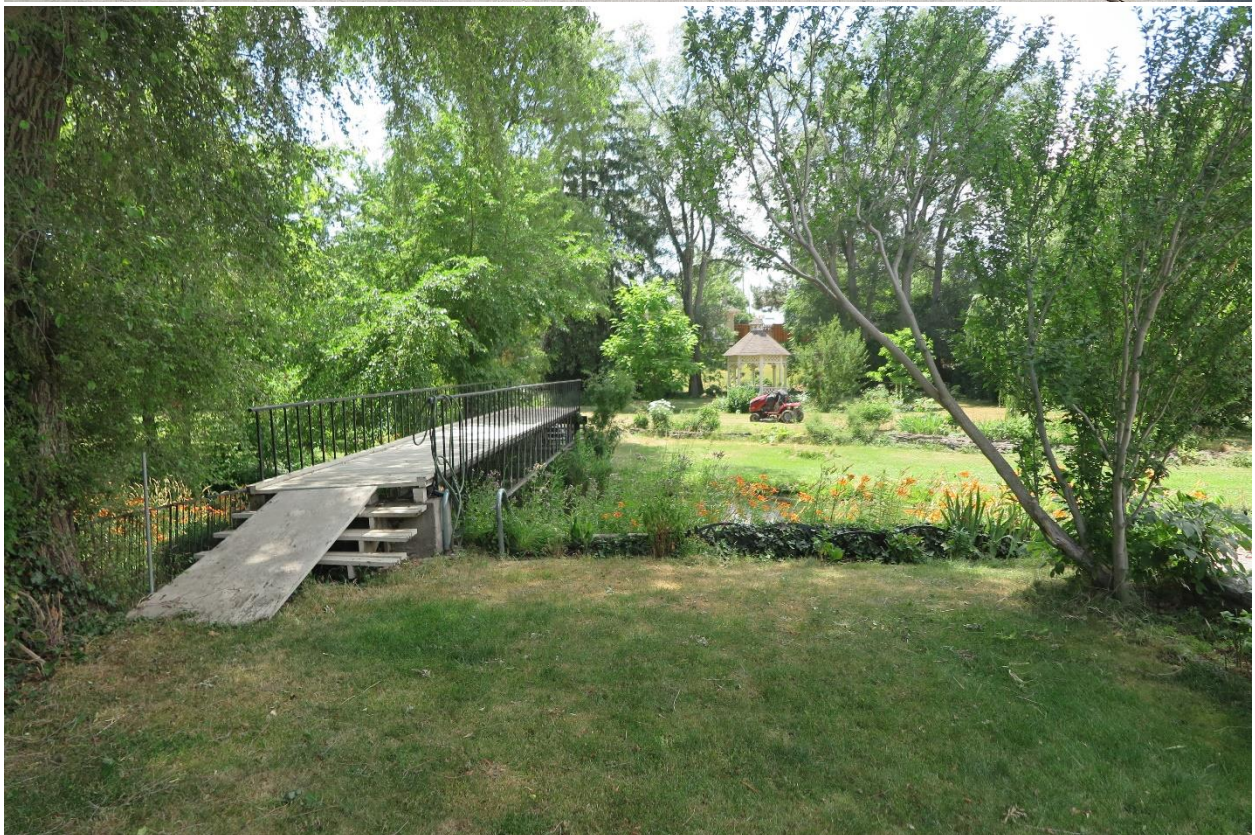
Appendices

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 the enclosed photos and as depicted on the Site Plan circulated it is evident that this is a very unique property which is traversed by the Mullet Creek. In this regard the Credit Valley Conservation (CVC) will also be commenting on the proposed addition. We also 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

----- Correct

The Building Department is currently processing a permit application under file PREAPP 22-496. Based on review of the information currently available for this permit, the variances, as requested are correct.

Variances 1 & 2

Our comments are based on the plans received by Zoning staff on PREAPP 22-496 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.

----- Amend

The Building Department is currently processing a permit application under file PREAPP 22-496. Based on review of the information currently available for this permit, we advise that the following variance(s) should be amended as follows:

3. Variance #2 requests a 0m rear yard setback. Variance #3 appears to be redundant in asking for 1m rear yard setback whereas 5m required. Delete.
4. A Gross Floor Area (GFA) – Infill Residential of 370sq.m (approx. 3,982.65sq.ft) whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area (GFA) – Infill Residential of 265sq.m (approx. 2,852.44sq.ft) in this instance;
5. A lot coverage of 39.5% whereas By-law 0225-2007, as amended, permits a lot coverage of 25% in this instance.

Our comments are based on the plans received by Zoning staff on PREAPP 22-496 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.

----- Additional variances

In reviewing the variance(s) as outlined in this application, it was apparent that the following additional variance(s) may be required:

Insufficient front yard setback. A minimum 5.9m required to front porch; whereas, 4.5m proposed.

Notwithstanding the above, the applicant is advised that should they choose to proceed without submission of a certificate of occupancy permit application, a full zoning review may result in further variances being required. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a pre-zoning review application depending on the complexity of the proposal and the detail of the information submitted.

----- More information

The Building Department is currently processing a permit application under file PREAPP 22-496. Based on review of the information currently available for this 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.

ZONING APPLICATION OUTSTANDING COMMENTS:

Setback requirements/proposed not shown. PREVIOUS COMMENT Amend site statistics format. The subject property has 2 zones: R2-50 & G1. As stipulated in article 1.1.4.1 - When a lot is divided into more than one (1) zone, each portion of the lot shall comply with the applicable provisions of the zone in which it is situated. Required yards/setbacks/buffers shall be measured from the zone boundary. The site statistics should present information in a manner consistent with article 1.1.4.1. Specifically indicate compliance within R2-50. For instance, provide 2 categories (R2-50 & G1) and provide information accordingly. For example, lot coverage in R2-50 zone would use the zone boundary as the site area and calculate percentage based on the zone boundary as opposed to the actual lot. ** Maximum gross floor area infill residential definition should be calculated on the zone boundary zone area due to aforementioned article 1.1.4.1. Reference R2-5, G1, and the zone boundaries for guidance on optimal format

CVC - Credit Valley Conservation approval is required. Please contact 905-670-1615 for further information.

The total area used for a home occupation (i.e. home office) shall not exceed 25% of the gross floor area - residential of the detached dwelling, to a maximum of 50 sqm. The proposed home occupation appears to be excessive in area. Provide sufficient information to determine compliance or indicate extent of contravention.

Provide eave projection dimensions on elevation drawings and site plan. Eaves projection of 0.45m or less may be excluded from lot coverage. Eaves may encroach a maximum 0.45m into a required yard.

It is unclear if setbacks on site plan is to the building wall or edge of eaves. Show eave projection on site plan and provide setback. If eave projects into the G zone boundary, then the dwelling is considered to be in the G zone and therefore use not permitted to encroach into G zone.>

Our comments are based on the plans received by Zoning staff on PREAPP 22-496 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: Ramsen Hedoo

Appendix 3 – Region of Peel

Development Engineering: Alexandra Maria (905) 791-7800 x7991

Comments: Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Development Planning: Joseph Filice (905) 791-7800 x3182

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

Appendix 4 – Metrolinx

Metrolinx is in receipt of the minor variance application for 2 Brookside Drive to facilitate the construction of a one-story addition above the existing dwelling and to facilitate the construction of new additions to the existing first floor of the dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of CP Rail's Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The Proponent is advised that the development lands, 2 Brookside Drive, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx

will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator