

# City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A343.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 3:00:00 PM

## Consolidated Recommendation

The City has no objections to the variances.

## Application Details

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

1. To permit no garage on the subject property in a RM2 Zone (Residential) whereas By-law 0225-2007, as amended, requires one attached garage in a RM2 Zone (Residential) in this instance;
2. A lot coverage of 45.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;
3. A dwelling unit depth of 20.73m (approx. 68.01ft) whereas By-law 0225-2007, as amended, 20.00m (approx. 65.62ft) in this instance;
4. A building height measured to the top of roof of 7.72m (approx. 25.34ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the top of roof of 7.50m (approx. 24.61ft) in this instance; and
5. A setback measured to inside wall of the outdoor swimming pool of 0.86m (approx. 2.82ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to inside wall of the outdoor swimming pool of 1.5m (approx. 4.92ft) in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-1090. Based on review of the information currently available in this permit application, we advise variance #1 should be amended as follows:

1. To permit no garage on the subject property whereas By-law 0225-2007, as amended, requires attached garage in a RM7-5 Zone in this instance;

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We also advise that additional variances should be added as follows:

5. A side yard measured to a balcony of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 1.20m (approx. 3.94ft) in the instance;
6. A setback measured to inside wall of the outdoor swimming pool of 0.86m (approx. 2.82ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to inside wall of the outdoor swimming pool of 1.5m (approx. 4.92ft) in the instance;

## Background

**Property Address:** 10B Pine Ave N

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM7-5 - Residential

**Other Applications:** Building Permit under file BP 9NEW 22-1090

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, northwest of the Mississauga Road and Lakeshore Road West intersection. The surrounding area includes a mix of residential uses, including detached and semi-detached and apartment dwellings with little mature vegetation in the front yards. Northeast of the subject property are motor vehicle related uses along Queen Street West. The subject property is currently vacant and contains no vegetation.

The applicant is proposing to construct a semi-detached dwelling requiring variances for no garage, lot coverage, dwelling depth, building height and 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 II in Schedule 10 of the Mississauga Official Plan (MOP), which permits a variety of housing types including semi-detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed semi-detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character of the streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning by-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

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

Variance #1 pertains to a garage. The applicant is requesting no garage, where one garage is required. The intent of the zoning provisions for requiring one garage are to maintain a consistent streetscape and provide for adequate parking. Staff has no concerns with this request, as many dwellings along the street do not contain garages and the proposal maintains the minimum parking rate requirements.

Variance #3 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize massing impacts of long walls on neighbouring lots. While the proposed dwelling depth appears to be excessive, staff note that 17.98m (59ft) of the dwelling's depth is attributable to the dwelling itself, which is below the maximum dwelling depth permitted. The remaining structural depth is attributable to a front entry porch and rear covered deck. The rear deck and front entry porch are primarily open structures and therefore do not have the same massing impact as the rest of the dwelling. Finally, the front entry porch only spans a small portion of the dwelling's façade, therefore the depth attributable to the front entry porch is minimal and would have a minimal impact from a massing perspective.

Variance #4 pertains to flat roof height. 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 its negative impacts on the streetscape and neighbouring properties. Variance #4 is only required for the proposed parapet wall, the rest of the dwelling maintains a flat roof height of 7.42m (24.34ft), which is below the permitted maximum. From street view, the parapet wall only spans the middle portion of the front of the proposed semi-detached dwellings. The parapet wall also assists in visually breaking up the roofline and the dwelling's massing. The height of the remainder of the dwelling measures 7.41 m, which is below the maximum flat roof height permitted. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #5 pertains to a side yard setback to a balcony. The purpose of a minimum balcony setback is to ensure that balconies are not situated too close to property lines in order to protect the privacy and overlook of the neighbouring property. Staff note that the proposed balcony projects into the rear yard and that the variance is a minor deviation from the minimum requirement.

Variance #6 pertains to a setback to a swimming pool. The setbacks from a lot line to a pool are to ensure that there is sufficient space for any maintenance or repairs to the pool that need to be made without needing to encroach onto a neighbour's property. In addition, in the event there is a major leak, it protects adjacent neighbour's properties in case their foundation is close to the lot line. Staff is of the opinion that the proposed setback will provide sufficient space for maintenance or repairs to the pool.

As such, Planning staff have no concerns with the proposed variances and are 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?**

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

Comments Prepared by: Connor DiPietro, 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 will be addressed through the Building Permit process, File BP 9NEW 22/1090.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-1090. Based on review of the information currently available in this permit application, we advise variance #1 should be amended as follows:

1. To permit no garage on the subject property whereas By-law 0225-2007, as amended, requires attached garage in a RM7-5 Zone in this instance;

We also advise that additional variances should be added as follows:

4. A side yard measured to a balcony of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 1.20m (approx. 3.94ft) in the instance;

5. A setback measured to inside wall of the outdoor swimming pool of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to inside wall of the outdoor swimming pool of 1.5m (approx. 4.92ft) in the instance;

6. A setback measured to decorative paving of 0.0m (approx. 0.0ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to decorative paving of 0.61m (approx. 2.00ft) in the instance.

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 3 – Metrolinx**

Metrolinx is in receipt of the minor variance application for 10B Pine Ave N to facilitate the construction of a new two-storey semi-detached dwelling with driveway. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact

[Harrison.Rong@Metrolinx.com](mailto:Harrison.Rong@Metrolinx.com) with questions and to initiate the registration process.

Comments Prepared by: Harrison Rong, Project Coordinator

#### **Appendix 4 – Region of Peel**

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

**Comments:** Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

All unutilized water and sanitary services shall be disconnected and/or abandoned in accordance with Region of Peel standards and specifications. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

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](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Joseph Filice, Junior Planner