

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A354.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act.

Application Details

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

1. An eaves height of 6.82m (approx. 22.38ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
2. A front yard setback of 10.10m (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) in this instance; and,
3. A lot coverage of 26.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance.

Amendments:

The Building Department is currently processing a site plan application under file SPI 21-195 Based on review of the information currently available in this permit application, we advise that the variance#2 should be amended as follows:

2. A front yard setback of 10.10m (approx. 33.14ft) for the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) for the porch in this instance

Background

Property Address: 1468 Elaine Tr

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 - Residential

Other Applications: SPI 21-195, PAM 21-334, BP9NEW 20-3521, SPI 20-37, PAM 19-165

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southeast of Hurontario Street and the Queen Elizabeth Way. The immediate neighbourhood consists of a mix of older and newer one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for eave height, front yard setback, 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 are as follows:

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex 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.

Variance #1 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground, which would lower the overall pitch of the roof. This keeps the dwelling within a human scale. The proposed eave height is required for a portion of the roofline. The eave height of the dwelling varies, as the dwelling contains multiple roofline and the front façade contains multiple gables, which break up the dwelling's massing and lessens the visual impact of the increased eave height. Lastly, the dwelling does not require a variance for height to the highest ridge.

Variance #2 pertains to front yard setback. 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 reduced front yard setback is to only accommodate the proposed front covered porch. Staff note the proposed setback is consistent with front yard setbacks found within the neighbourhood. The covered porch is an open structure that does not add significant massing to the dwelling. Further, the remaining portions of the dwelling meet required front yard setback requirements.

Variance #3 requests a lot coverage of 26.76%, where a maximum of 25% lot coverage is permitted. The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot. The proposed dwelling accounts for 21.8% of the lot coverage. Staff note 4.11% of the lot coverage is attributable to the covered porch and 0.85% is for the eave overhang. The proposed dwelling meets the lot coverage requirements, and the porch and eave overhangs do not add significant massing to the dwelling.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 have been addressed through the Site Plan Application process, File SPI-21/195.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-195. Based on review of the information currently available in this permit application, we advise that the following variance should be amended:

2. A front yard setback of 10.10m (approx. 33.14ft) for the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) for the porch in this 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

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must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo, Zoning Examiner

Appendix 3 – Region of Peel

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

Comment: 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 – Credit Valley Conservation

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; and
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 regulated for floodplain associated with Cooksville Creek. 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.

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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 a new dwelling proposing:

1. An eaves height of 6.82m (approx. 22.38ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
2. A front yard setback of 10.10m (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) in this instance; and,
3. A lot coverage of 26.76% whereas By-law 0225-2207, as amended, permits a maximum lot coverage of 25.00% in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC staff have reviewed and provided comment on the Site Plan application (SP 21/195) for the proposed development. Any outstanding concerns will be addressed during the Site Plan approval process. 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.

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, Planner