

City of Mississauga Department Comments

Date Finalized: 2022-08-24	File(s): A386.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-09-01 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as amended. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. An eave height of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, only permits a maximum eave height of 6.40m (approx. 20.99ft) in this instance;
2. A roof height of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, only permits a maximum roof height of 9.50m (approx. 31.16ft) in this instance; and
3. A railway right of way setback of 12.63m (approx. 41.44ft) whereas By-law 0225-2007, as amended, requires a railway right of way setback of 30.0m (approx. 98.4ft) in this instance.

Background

Property Address: 202 Queen Street West

Mississauga Official Plan

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

Zoning By-law 0225-2007

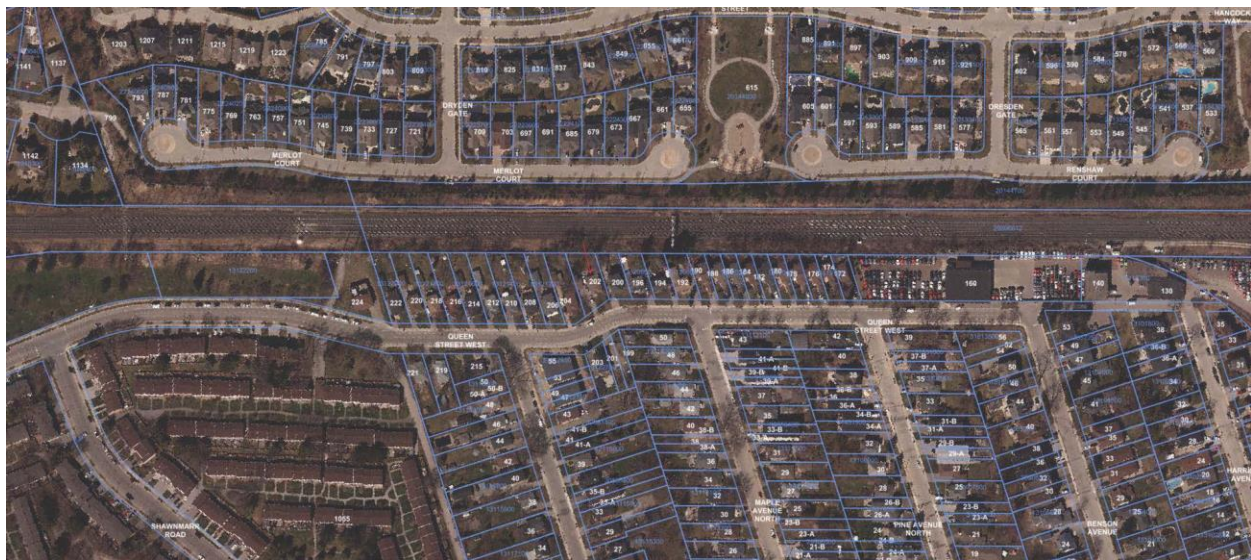
Zoning: RM7-5 - Residential

Other Applications: Zoning Preliminary Application Review 21-5043 & Committee of Adjustment files B38.21, A246.21 and A247.21 (all applications associated with a previous proposal that was withdrawn)

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, northwest of Mississauga Road North and Lakeshore Road West. The immediate neighbourhood is primarily residential, consisting of townhouses, detached and semi-detached dwellings. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front and rear yard.

The applicant is requiring an addition requiring variances related to overall and eave height and railway 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 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. 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. The proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied 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?

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

Variances #1 and 2 pertain to height and eave height. 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 will keep the dwelling within human scale. Staff have no concerns with the proposed height variances, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roofline gables and a staggered façade.

Staff note that there is a 0.26m (0.85ft) discrepancy between average grade and finished grade. Therefore, when viewing the dwelling from the street, the dwelling would appear to have a height of 6.82m (22.38ft) to the eaves and an overall height of 9.81m (32.18ft). This perceived increase in height would represent a minor deviation from the permitted maximum and therefore would have a negligible impact.

Variance #5 pertains to the railway right-of-way setback. The intent behind the minimum setback distance to the railway is to mitigate railway-oriented impacts on sensitive land uses such as noise, vibration, and safety hazards, in order to ensure that the quality of life of the residents are not negatively impacted. Planning staff have no concerns with this variance as the proposed setback is existing and generally consistent with the setback provided by neighbouring properties.

Staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

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. 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: 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 addition will be addressed through the future Building Permit Application process.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Gary Gagnier, Zoning Examiner

Appendix 3 – Region of Peel

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

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

Please be advised that the western edge of the subject property is located within an area the Regional Official Plan (ROP) designates as Natural Areas and Corridors (NAC), specifically as a regionally significant Area of Natural and Scientific Interest (ANSIs) (Life Science), of the Greenlands System in Peel under Policy 2.3.2. Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within the Greenlands Systems 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: Camila Marczuk & Daniel O'Connor, Development Engineering & Development Planning

Appendix 4 – Enbridge Comments

Based on a review of the project materials provided the proposed minor variance, there are no new crossings or ground disturbances within the pipeline assessment area. Therefore, Enbridge has expressed no objections to this project as proposed.

Although Enbridge has expressed no objections to the proposed minor variance at this time, the variance is located within the 200 meter pipeline assessment area and therefore all the requirements detailed below and within Attachment 02 | Enbridge Development Requirements must be adhered to for all future development.

Requirements

- 1) No development is permitted within the Enbridge right-of-way without Enbridge's written consent and without the presence of an Enbridge representative on site.
Notifications@Enbridge.com
Enbridge
10175 101 St NW
Edmonton, Alberta T5J 0H3 Canada
- 2) Subdivision lot lines should not divide the pipeline right-of-way. Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see Attachment 02 for details.

- 3) Fencing should be installed along the identified open space easement. Please see Attachment 02 for details
- 4) Notifications of additional development for Class monitoring: As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in Attachment 01 | Approximate Location of Pipeline Infrastructure.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in Attachment 02 | Enbridge Development Requirements. For additional resources on safe development in proximity of Enbridge's pipeline network please view [Enbridge's Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Enbridge, Damage Prevention Program