

City of Mississauga Department Comments

Date Finalized: 2022-08-24	File(s): A30.22
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 a new dwelling proposing:

1. A dwelling height of 8.12m (approx. 26.64ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
2. A dwelling depth of 33.94m (approx. 111.35ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. An exterior side yard setback of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.00m (approx. 16.40ft) in this instance;
4. A side yard setback to the second storey balcony of 2.46m (approx. 8.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 5.00m (approx. 16.40ft) to the second storey balcony in this instance;
5. A front yard setback to the garage of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.61ft) in this instance;
6. A walkway attachment of 1.8m (approx. 5.9ft) to the driveway whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.5m (approx. 4.9ft) to a driveway in this instance;
7. An exterior side yard setback to the patio of 3.15m (approx. 10.33ft) whereas By-law 0225-2007, as amended, permits an exterior side yard setback to the patio of 5.00m (approx. 16.40ft) in this instance;
8. A balcony area of 15.7sq.m (approx. 169.0sq.ft) over a garage permits a maximum balcony area of 10.0sq.m (approx. 107.6sq.ft) over a garage in this instance; and,
9. An interior side yard setback to a walkway of 0.4m (approx. 1.31ft) whereas By-law

0225-2007, as amended, requires an interior side yard setback to a walkway of 0.61m (approx. 2.00ft) in this instance.

Amendments

Should the Committee see merit in this application, Zoning staff advise that the following variances should be amended and included as follows:

3. An interior side yard setback (southerly) of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.00m (approx. 16.40ft) in this instance;
4. A interior side yard setback (southerly) to the second storey balcony of 2.47m (approx. 8.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.00m (approx. 16.40ft) to the second storey balcony in this instance;
5. A front yard setback to the garage face of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
6. A walkway attachment of 1.81m (approx. 5.94ft) to the driveway whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.5m (approx. 4.9ft) to a driveway in this instance;
7. An interior side yard setback (southerly) to the patio of 3.15m (approx. 10.33ft) whereas By-law 0225-2007, as amended, permits an interior side yard setback to the patio of 5.00m (approx. 16.40ft) in this instance;
9. An interior side yard setback (northerly) to a hard surface area on a rear yard, of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to a walkway of 0.61m (approx. 2.00ft) in this instance.
10. A front yard setback of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;

Background

Property Address: 1706 Lincolnshire Boulevard

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

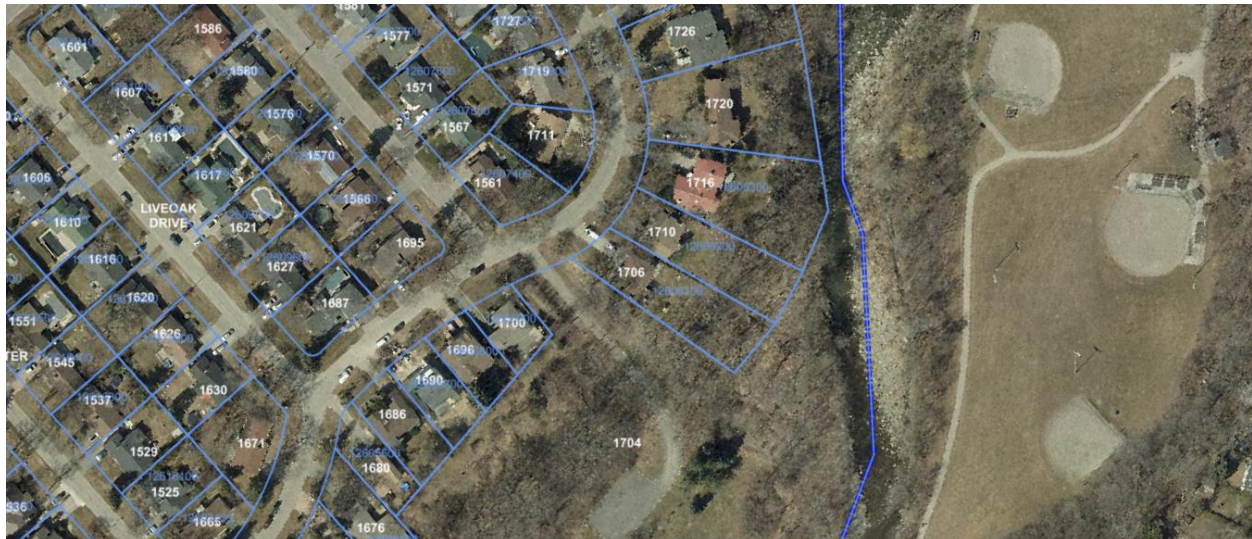
Zoning: R3-75 - Residential

Other Applications: Preliminary Zoning Review application - PREAPP 21-5926

Site and Area Context

The subject property is located within the Lakeview Neighbourhood, southeast of Dixie Road and South Service Road. Directly abutting the subject property to the east is Etobicoke Creek. The neighbourhood is entirely residential consisting of one and two storey-detached dwellings, on large lots with mature vegetation in the front yards. The subject property is a two storey detached dwelling with mature vegetation in the side yards.

The applicant is proposing a new dwelling requiring variances for dwelling height, dwelling depth, setbacks, balcony area and a walkway attachment.



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*.

The above noted application was previously deferred on February 10th, 2022, to allow the applicant an opportunity to verify the requested variances with zoning staff and to submit a revised list of variances and/or drawings.

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 I on 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 the new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed 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 streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variation #1 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 negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that would have been permitted to a maximum height of 10.70m (35.1ft) and ultimately could accommodate a three-storey dwelling due to its architectural style. The proposed dwelling is two-storeys with a height of 8.12m (26.64ft) measured from average grade. Staff note that there is a 0.33m (1.08ft) discrepancy between average grade and finished grade. Therefore, when viewing the dwelling from the street, the dwelling would appear to have a height of 7.79m (25.56ft). This perceived increase in height would represent a minor deviation from the permitted maximum and therefore would have a negligible impact.

Variance #2 pertains to dwelling depth. The intent of the dwelling depth regulation is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. While the proposed dwelling depth appears to be excessive, staff note that the northerly and southerly walls of the proposed dwelling are staggered and contain a variety of architectural features which helps to visually to break up the dwelling's massing.

Variations #3, 4, 5, 7, 9 and 10 pertain to setbacks. Variations #3, 4 and 7 are setbacks to the southerly lot line. The general intent of interior side yard setback requirements are to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Variations #5 and 10 are for a reduction in the front yard setbacks. Staff note that similar front yard setbacks exist in the immediate area. Variance #9 is for a setback to a hardscaped surface. Staff have no concerns with this variance, as the proposed setback is large enough to accommodate a swale and mitigate any drainage concerns.

Variance #6 pertains to a walkway attachment. The intent of this portion of the by-law is to provide a stable surface for pedestrians (not vehicles) to approach the dwelling and assist in defining an entrance walkway. Based the dimensions of the walkway, staff are of the opinion that it will not accommodate vehicular access or parking. Furthermore, the proposed walkway attachment is a minor deviation from the permitted maximum. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

Variance #8 proposes an increased balcony area. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff note that the

balcony is sufficiently setback from the abutting property to the north, and given its positioning, will not pose any privacy or overlook concerns.

Staff is 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 overall 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 future Building Permit Application process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-5926. Based on review of the information currently available in this application, variances # 1, 2, and 8, as requested are correct.

Furthermore, we advise that the following variances should be amended and included as follows:

3. An interior side yard setback (southerly) of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.00m (approx. 16.40ft) in this instance;
4. A interior side yard setback (southerly) to the second storey balcony of 2.47m (approx. 8.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.00m (approx. 16.40ft) to the second storey balcony in this instance;
5. A front yard setback to the garage face of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
6. A walkway attachment of 1.81m (approx. 5.94ft) to the driveway whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.5m (approx. 4.9ft) to a driveway in this instance;
7. An interior side yard setback (southerly) to the patio of 3.15m (approx. 10.33ft) whereas By-law 0225-2007, as amended, permits an interior side yard setback to the patio of 5.00m (approx. 16.40ft) in this instance;
9. An interior side yard setback (northerly) to a hard surface area on a rear yard, of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to a walkway of 0.61m (approx. 2.00ft) in this instance.
10. A front yard setback of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;

Please note that comments reflect those provided through the above application submitted on 01/18/2022 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

The lands to the rear of the property are City owned lands, identified as Orchard Heights (P-019) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. 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.

The requested exterior side yard setback is a reduction to City Owned G1 lands.

Given that the subject lands are not subject to site plan control, should the application be approved, Community Services wishes to impose the following condition:

1. The applicant shall provide horizontal tree hoarding to the dripline adjacent to City Owned G1 lands to the satisfaction of City of Mississauga Park Planning Staff. Please call Jim Greenfield at 905-615-3200 ext. 8538 to arrange a hoarding inspection.

Community Services provides the following notes:

1. Stockpiling, construction access and encroachment of construction materials in the adjacent park 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 – TRCA

This letter acknowledges receipt of the above noted application circulated by the City of Mississauga. The revised materials were received by Toronto and Region Conservation Authority (TRCA) on July 25, 2022 with the original materials circulated January 7, 2022. TRCA staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the Planning Act; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020; TRCA’s Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and, our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

The purpose of Minor Variance Application A30.22 is to allow the construction of a new dwelling proposing:

1. A dwelling height of 8.13m (approx. 26.67ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
2. A dwelling depth of 27.94m (approx. 91.67ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. An exterior side yard setback of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.00m (approx. 16.40ft) in this instance;
4. A side yard setback to the second storey balcony of 2.46m (approx. 8.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 5.00m (approx. 16.40ft) to the second storey balcony in this instance;
5. A front yard setback to the garage of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.61ft) in this instance; and,
6. A walkway attachment of 1.8m (approx. 5.9ft) to the driveway whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.5m (approx. 4.9ft) to a driveway in this instance.
7. An exterior side yard setback to the patio of 3.15m (approx. 10.33ft) whereas By-law 0225-2007, as amended, permits an exterior side yard setback to the patio of 5.00m (approx. 16.40ft) in this instance; and,
8. A balcony area of 15.7sq.m (approx. 169.0 sq.ft) over a garage permits a maximum balcony area of 10.0 sq.m (approx. 107.6 sq.ft.) over a garage in this instance; and,
9. An interior side yard setback to a walkway of 0.4m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to a walkway of 0.61m (approx. 2.00ft) in this instance.

It is our understanding that the proposed variances are required to facilitate the development of a replacement dwelling the subject property.

Ontario Regulation 166/06

The subject property is located within TRCA’s Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located within a valley corridor associated with the Etobicoke Creek and the significant 10m high slope (with the regional floodplain at the toe) of

the valley extends onto a significant portion of the back of the property. As such, TRCA permit no. C-220430 was issued for the development of a replacement two-storey dwelling with a footprint of 262 sq.m. (2820 sq.ft), patio 70 sq.m.(753 sq.ft.), pool and rear landscaping which was in the Regulated Area on the property.

Application Specific Comments

As part of related TRCA permit no. C-220430, TRCA staff reviewed the proposed house location with geotechnical staff who were satisfied with proposed setbacks to accessory structures and from Long-term Stable Top of Slope (LSTOS) as identified through our previous review of the variance. As such, there are no slope or geotechnical concerns. The proposed development is setback 10 m. from the Long-term Stable Top of Slope (LSTOS).

Based on the above, TRCA staff have no concerns regarding the location of the proposed development and the required variances, as submitted.

Recommendation

On the basis of the comments noted below, TRCA staff have no objections to the approval of Minor Variance Application A30.22.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$610 (Variance Residential– Minor). The fee has been received on August 17, 2022.

We trust these comments are of assistance. Should you have any questions, please contact me at (437) 880-2368 or at Marina.Janakovic@trca.ca

Comments Prepared by: Marina Janakovic, Planner 1