

City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): A451.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 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 requested, 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 an addition proposing:

1. An existing balcony projection of 1.28m (approx. 4.20ft) beyond the garage whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.0m (approx. 3.28ft) beyond the garage in this instance;
2. An eave height of 7.64m (approx. 25.07ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 20.99ft) in this instance; and,
3. A roof encroachment of 1.48m (approx. 4.86ft) to cover the existing balcony whereas By-law 0225-2007, as amended, permits a maximum roof encroachment of 0.45m (approx. 1.48ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #2 should be amended as follows:

2. An eave height of 6.99m (approx. 22.93ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 20.99ft) in this instance.

Background

Property Address: 439 Temagami Cres

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 - Residential and G1- Greenland

Other Applications: SPI 20-107

Site and Area Context

The subject property is located north-east of the Mississauga Road and Indian Road intersection in the Lorne Park neighbourhood. It currently contains a single storey detached dwelling with an attached garage. The property has an approximate lot area of 3,376.03m² (0.83ac) and backs onto the Credit River. Mature vegetation is present throughout the property. The surrounding context is exclusively residential, consisting of a mix of single and two-storey detached dwellings.

The applicant is proposing to construct an addition requiring variances for balcony projection, height measured to the eaves and roof encroachment.



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 designated Residential Low Density I & Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The entirety of the proposal is on lands designated Residential Low Density I, which permits detached, semi-detached, duplex dwellings.

Variance #1 relates to balcony projection. The purpose of a maximum balcony projection is to ensure that balconies are not situated too close to property lines that would create a situation of overlook. The variance represents an existing condition for the subject property. Planning staff note that the property has a large frontage, and provides a large setback to the front lot line. Further, the municipal boulevard is quite large, which places the balcony a significant distance from the municipal right-of-way, and abutting properties. Staff note that there is no expectation of privacy in the front yard or right-of-way, therefore the concern with overlook is not present in this instance.

Variance #2 relates 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 by lowering the overall pitch of the roof. This would keep the dwelling within a human scale. Through a detailed review of the provided drawings, Staff have noted a discrepancy related to this variance and have since had discussions with the applicant to confirm the accuracy of the request. The revised variance request has been reflected in the amended variance provided above. Staff note that the eave height as proposed does not raise any concerns from Staff as the increase is a minor deviation from the requirements of the zoning by-law. Further, Staff note that a maximum height variance is not being sought by the applicant, therefore keeping the dwelling at an appropriate scale.

Variance #3 relates to roof encroachment. The intent of this portion of the by-law is to ensure that roofs and eaves are sufficiently setback from all property lines. Staff note that the requested encroachment is located in the rear yard. The proposed roof encroachment aligns with the existing dwelling's northerly roofline and setback to the property line. The dwelling maintains an adequate northerly side yard setback to the lot line in this instance; therefore, staff are of the opinion that the proposed roof encroachment does not pose any negative impact on the neighbouring property to the north.

Through a detailed review of the application, staff is 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 addition will be addressed through the current Site Plan approval process for SPI-20/107.



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 20-107. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 01/05/2022 for the above captioned site plan 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: Adam McCormack, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance application and advises as follows:

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

The lands to the rear of the property are owned by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Not to be Named (P-234) 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.

In addition, Community Services notes the following:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – CVC

The CVC has not yet received payment.

Comments Prepared by: Beata Pakulski, Junior Planner

Appendix 5- Region of Peel

Minor Variance Application: A-451/22

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comment: 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.

Minor Variance Application: A-451/22

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment: Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area as well as Natural Areas and Corridors (NAC) - Woodland of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned 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 or adjacent to Core Areas of 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: Patrycia Menko, Junior Planner