

# City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): A462.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the minor variance application. 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 minor variances to allow the construction of a new dwelling proposing:

1. A front yard setback of 3.3m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.6ft) in this instance;
2. A front yard setback of 2.2m (approx. 7.21ft) to the front porch whereas By-law 0225-2007, as amended, requires a front yard setback of 7.5m (approx. 24.6ft) to the front porch in this instance;
3. A setback of 3.9m (approx. 12.79ft) to the garage face whereas By-law 0225-2007, as amended, requires a setback of 7.5m (approx. 24.6ft) to the garage face in this instance;
4. A flat roof height of 9.6m (approx. 31.49ft) whereas By-law 0225-2007, as amended, permits a flat roof height of 7.5m (approx. 24.6ft) in this instance;
5. A height of 9.3m (approx. 30.51ft) to the underside of the eaves whereas By-law 0225-2007, as amended, permits a height of 6.4m (approx. 21ft) to the underside of the eaves in this instance; and,
6. A stairs encroachment of 0.3m (approx. 0.98ft) to the front yard whereas By-law 0225-2007, as amended, requires a stairs encroachment of 1.6m (approx. 5.24ft) to the front yard in this instance.

## Background

**Property Address:** 529 Richey Crescent

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I, Greenlands

### Zoning By-law 0225-2007

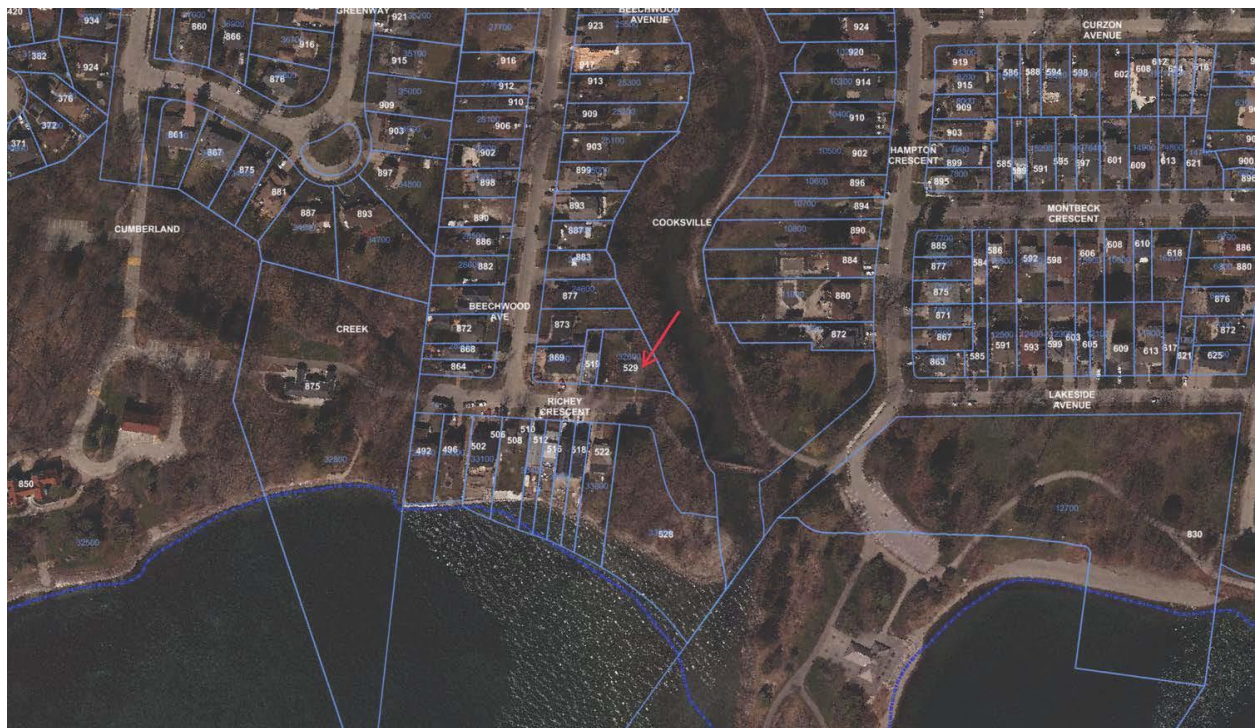
**Zoning:** R3-75-Residential

**Other Applications:** PREAPP 21-9575

### Site and Area Context

The subject property is located south-east of the Lakeshore Road East and Enola Avenue intersection in the Lakeview neighbourhood. It currently contains a one-storey detached dwelling abutting Cooksville Creek. The property has an approximately lot area of +/- 902.93m<sup>2</sup> (9,719.06ft<sup>2</sup>) and is one of the largest lots in the Richey Crescent and Beechwood Avenue area. Mature vegetation is present throughout the subject property. The surrounding residential neighbourhood consists of a mix of one and two-storey detached dwellings on lots of varying sizes.

The applicant is proposing to construct a new dwelling requiring variances for setbacks, height, height measured to the eaves and a stair 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 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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Greenlands designation represents the easterly portion of the property with the remaining lands having a Residential Low Density I designation. The Residential Low Density I designation permits single-detached dwellings. 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 proposed dwelling is to be located in a similar position to the existing dwelling on the lands. 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?**

Variances #1, 2, 3 and 6 relate to the front yard. 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. Staff note that the proposed front yard setbacks are consistent with front yard setbacks found in the immediate area. Further, the proposed dwelling's footprint is consistent with the existing dwelling's footprint. Staff note the proposed garage setback brings its massing closer to the street; however, the impact of the garage is mitigated by the front porch and stairway. The front porch and stairs do not pose a massing concern from staff's perspective.

While Planning staff is not in a position to provide an interpretation of the zoning by-law, Variance #6 may not be required. The applicant may wish defer the application to confirm this with Zoning staff.

Variances # 4 and 5 relate to roof and eave heights. 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 a human scale. Staff note that the proposal is for a new two-storey dwelling. Further, the proposed dwelling is a side-split, and the massing created by the height variances is not carried across the whole dwelling minimizing any massing impacts. Lastly, the roof height and eave height increases are limited to a single point from where the roofline slopes downward. Staff also note that while the applicant requires a flat roof variance due to the definition of a flat roof, the proposed roof appears to be a sloped roof when viewed from the street.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are of the opinion that the proposed dwelling does not represent an overdevelopment of the lot. Staff are of the opinion that the proposal represents appropriate development of the subject lands and is minor in 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 new dwelling will be addressed by our Development Construction Section through the future Building Permit 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 21-9575. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A front yard setback of 2.30 m (approx. 7.55ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.6ft) in this instance;
2. A front yard setback of 1.00m (approx. 3.23ft) to the front porch whereas By-law 0225-2007, as amended, requires a front yard setback of 5.90m (approx. 19.36ft) to the front porch in this instance;
3. A front yard setback of 2.92m (approx. 9.58ft) to the garage face whereas By-law 0225-2007, as amended, requires a front yard setback of 7.5m (approx. 24.6ft) to the garage face in this instance;

Furthermore, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Ramsen Hedoo, 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:

The lands to the rear of the property are owned by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Helen Molasy Memorial Park (P-261) 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – CVC**

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 due to the presence of meander belt/erosion and flood hazards associated with the adjacent 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.

#### **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).

The proposed works are located within CVC's Regulated Area and a CVC permit is required.

**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. A front yard setback of 3.3m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.6ft) in this instance;
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6. A stairs encroachment of 0.3m (approx. 0.98ft) to the front yard whereas By-law 0225-2007, as amended, requires a stairs encroachment of 1.6m (approx. 5.24ft) to the front yard in this instance.

**COMMENTS:**

CVC staff have reviewed the provided information and have **no concerns** with the requested variances. CVC staff have also reviewed and issued a CVC Permit (FF 21/328) for the proposed development. As such, CVC staff have **no objection** to the approval of these minor variances by the Committee at this time.

Please circulate CVC 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. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner

**Appendix 5- Region of Peel****Minor Variance Application: A-462/22**

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](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).

**Minor Variance Application:** A-462/22

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

**Comment:** Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC). 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