

City of Mississauga Department Comments

Date Finalized: 2023-01-19	File(s): A716.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. A garage area of 95.45sq m (approx. 1027.42sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
2. A walkway connection of 3.66m (approx. 12.00ft) whereas By-law 0225-2007, as amended, permits a maximum walkway connection of 1.50m (approx. 4.92ft) in this instance;
3. A combined side yard width of 7.76m (approx. 25.46ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.96m (approx. 29.40ft) in this instance;
4. An accessory structure height of 4.25m (approx. 13.94ft) whereas By-law 0225-2007, as amended, permits maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance and,
5. An eave height of 6.65m (approx. 21.82ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 22-26. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

3. A combined side yard setback of 24.48% of the lot frontage (7.76m (approx. 25.46ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 27% of the lot frontage (8.96m (approx. 29.40ft)) in this instance

Background

Property Address: 601 Bob-O-Link Rd

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

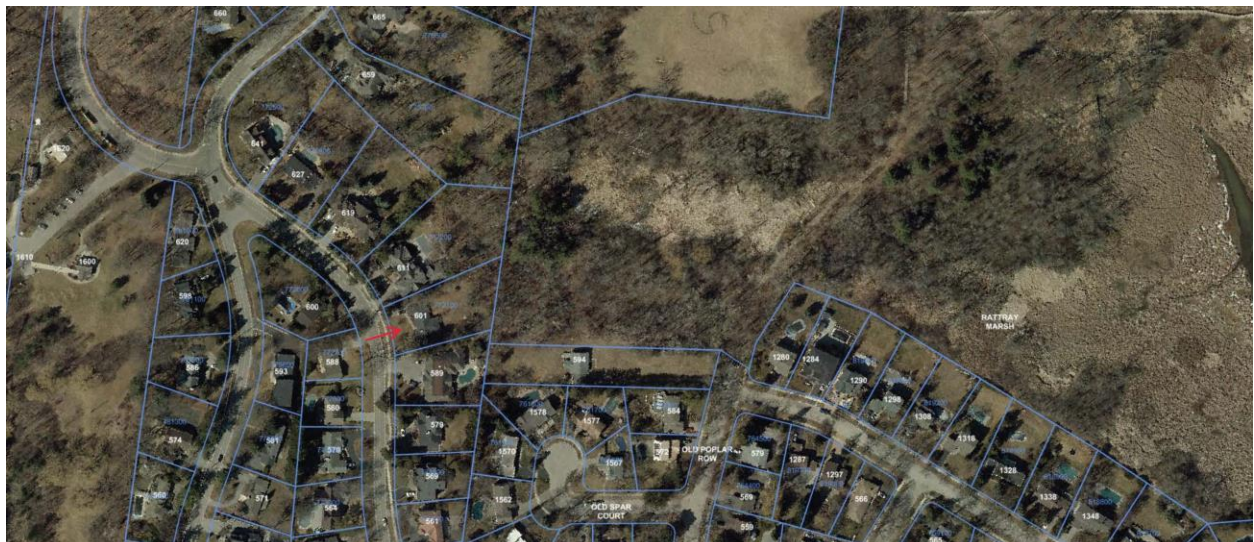
Zoning: R1-2 - Residential

Other Applications: Site Plan Infill application under file SPI 22-26

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, east of Orr Road and Meadow Wood Road. The immediate neighbourhood is entirely residential and contains one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant requires variances for a two-storey dwelling, related to garage area, walkway connection, combined side yard width, accessory structure and eave height.



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 Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings in this instance. 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. Planning staff are satisfied that the proposal maintains the general intent and purpose of the official plan.

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

Variance #1 requests an increased garage size. The intent in restricting the size of an attached garage is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space, rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. The proposed garage appears as a standard two-car garage to the streetscape. As such, staff are satisfied that the garage is appropriately sized for both the lot and the dwelling.

Variance #2 pertains to a walkway attachment width. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. While Planning staff do not typically support walkway widths greater than the size of a parking space, the walkway intersects the driveway at a 90-degree angle and is not deep enough to accommodate a parking space. Therefore, staff is of the opinion that the walkway attachment cannot accommodate the parking of a vehicle and has no concerns.

Variance #3 is for a combined side yard width. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed side yards maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variance #4 is for an accessory structure height. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot, dwelling, and clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the variance requested is for a peak roof not a flat roof. Peaked roofs are less

impactful from a massing perspective as the overall height is not maintained. Furthermore, the structure's massing impacts will be limited, as the accessory structure does not require variances for reduced setbacks, area or lot coverage, which can exacerbate the massing of structures and buildings.

Variance #3 pertains to 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. Planning staff note that no overall height variance is being requested. Staff have no concerns with the proposed eave height, 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. Furthermore, staff note a 0.31 (1ft) - 0.61m (2ft) discrepancy between average grade and the grade where the dwelling sits. Therefore, the dwelling would appear 0.31(1ft) - 0.61m (2ft) shorter than the value of the variance. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Given the above Planning staff are of the opinion 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 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 Site Plan Infill application under file SPI 22-26. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

3. A combined side yard setback of 24.48% of the lot frontage (7.76m (approx. 25.46ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 27% of the lot frontage (8.96m (approx. 29.40ft)) in this instance

Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 10/27/22 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 a Building Permit 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 no objections to the above noted minor variance application and advises as follows:

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 Rattray Marsh (P-126) 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.
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.

4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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 – Credit Valley Conservation

Re: CVC File No. A 22/716
Municipality File No. A 716/22
Sonya & Michael Horvat
601 Bob-o-link Rd
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. 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);
2. 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;
3. 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:

Based on our mapping, the subject property is traversed by Sheridan Creek tributary and regulated for valleyslope and wetland (PSW). Additionally, the property is within and adjacent to Peel Core Greenlands, Life Science ANSI (Rattray March Coastal Wetland), City of Mississauga Significant Natural Area, and part of the Credit River Watershed NHS. 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 garage area of 95.45sq m (approx. 1027.42sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
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5. An eave height of 6.65m (approx. 21.82ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

Comments:

CVC staff have reviewed the provided information and have no concerns with the requested variance. A CVC permit will be required for the proposed development and any outstanding concerns will be addressed during the CVC permit process. CVC is currently reviewing the CVC permit application (FF 23/008). As such, CVC staff have no objection to the approval of this minor variance by the Committee at this time.

As noted, a CVC permit is required for the development as proposed. Upon approval of the minor variance, please contact CVC directly for the next steps related to the CVC permit application process.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Beata Pakulski – Junior Planner, Planning and Development Services

Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services