

City of Mississauga Department Comments

Date Finalized: 2023-01-23	File(s): A708.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application.

Application Details

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

1. A cabana area of 22.66sq m (approx. 243.91sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana area of 20.00sq m (approx. 215.28sq ft) in this instance and,
2. A cabana height of 3.569m (approx. 11.71ft) whereas By-law 0225-2007, as amended, permits a maximum cabana height of 3.50m (approx. 11.48ft) in this instance.

Background

Property Address: 62 Cumberland Dr

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

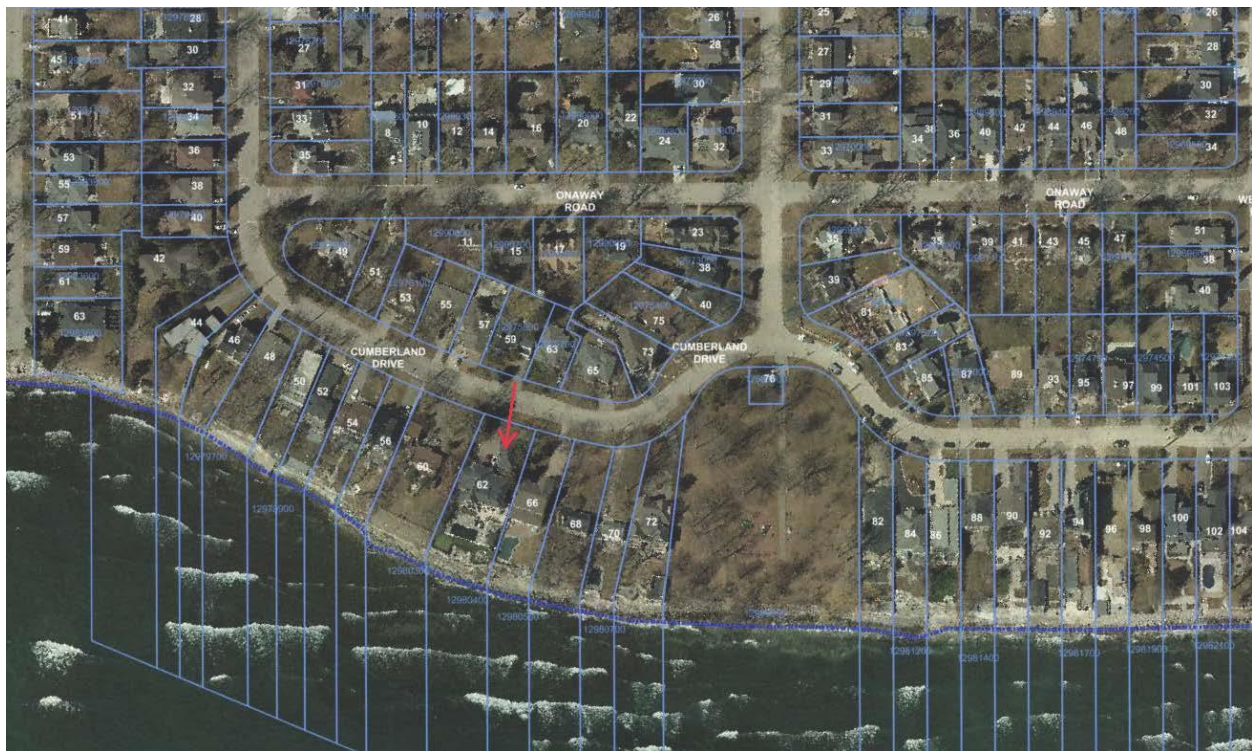
Zoning: R15-9 - Residential

Other Applications: Building Permit under file BP 9NEW 21-7398.

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, south of the Enola Avenue and Lakeshore Road East Intersection. The surrounding neighbourhood consists of one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with vegetation in the front yard.

The applicant is proposing a new accessory structure requiring variances related to accessory structure area and 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 Port Credit Neighbourhood (East) Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex 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. Planning staff note that the proposal maintains the permitted detached dwelling use and that the development is appropriate given existing site conditions and the surrounding context. Staff are therefore of the opinion 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?

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot, dwelling, and are clearly accessory while not presenting any massing concerns to neighbouring lots. Staff are of the opinion that the variances requested represent minor deviations from the maximum regulations contained in the zoning by-law.

Furthermore, no additional accessory structures exist on the subject property. The subject property is also permitted as of right a combined accessory structure area of 60m² (645.84ft). 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 negligible, as the proposed variances are minor and the accessory structure does not require variances for reduced setbacks or lot coverage.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore, it is the opinion of staff that the proposal does not pose any significant negative impacts to the streetscape or neighbouring lots, and represents an appropriate use of the amenity space. Through a detailed review, staff are of the opinion that 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 structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-21/7398.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 21-7398. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 09/28/2022 for the above captioned building permit 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

City of Mississauga Department Comments

Appendix 3 – Credit Valley Conservation

Re: CVC File No. A 22/708
Municipality File No. A 708/22
W Jeff Lindsay
62 Cumberland Dr
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 located within Shoreline Hazard associated with Lake Ontario. 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 accessory structure proposing:

1. A cabana area of 22.66sq m (approx. 243.91sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana area of 20.00sq m (approx. 215.28sq ft) in this instance and,

2. A cabana height of 3.569m (approx. 11.71ft) whereas By-law 0225-2007, as amended, permits a maximum cabana height of 3.50m (approx. 11.48ft) 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. 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.

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

Appendix 4 – Region of Peel

Minor Variance Application: A-708/22, 62 Cumberland Drive

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

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation (CVC) Authority. We therefore request that the City of Mississauga Committee of Adjustment and staff consider comments from the CVC Authority and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC Authority.

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