

# City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A68.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

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

1. A walkway attachment of 3.05m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a walkway attachment of 1.5m (approx. 4.92ft) in this instance;
2. A driveway width of 6.62m (approx. 21.71ft) whereas By-law 0225-2007, as amended, permits a driveway width 6.0m (approx. 19.68ft) in this instance;
3. An insufficient combined sideyard setback of 24.19%(3.79m) of the lot frontage whereas By-law 0225-2007, as amended, requires a combined sideyard setback of 27% (4.23m) of the lot frontage in this instance;
4. A gross floor area of 764.46sq.m (approx. 8228.57sq.ft) whereas By-law 0225-2007, as amended, permit a gross floor area of 471.93 sq.m (approx. 5079.81sq.ft) in this instance;
5. An excessive eaves height of 7.41m (approx. 24.31ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.40m (approx. 20.99ft) in this instance;
6. An insufficient side yard setback of 1.8m (approx. 5.90ft) to the second storey on the left side whereas By-law 0225-2007, as amended, requires a sideyard setback of 2.41m (approx. 7.90ft) to the second storey on the left side in this instance;
7. An insufficient side yard setback of 2.04m (approx. 6.69ft) to the second storey on the right side whereas By-law 0225-2007, as amended, requires a sideyard setback of 2.41m (approx. 7.90ft) to the second storey on the right side in this instance;
8. An insufficient side yard setback of 2.51m (approx. 8.23ft) to the third storey on the left side whereas By-law 0225-2007, as amended, requires a sideyard setback of 3.02m (approx. 9.90ft) to the third storey on the left side in this instance;
9. An insufficient side yard setback of 1.95m (approx. 6.39ft) to the third storey on the right side whereas By-law 0225-2007, as amended, requires a sideyard setback of 3.02m (approx.

9.90ft) to the third storey on the right side in this instance;

10. An eaves encroachment of 1.42m (approx. 4.65ft) at the third storey on the left side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the third storey on the left side in this instance;

11. An eaves encroachment of 1.85m (approx. 6.06ft) at the third storey on the right side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the third storey on the right side in this instance;

12. An eaves encroachment of 1.04m (approx. 3.41ft) at the second storey on the left side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the second storey on the left side in this instance; and,

13. An eaves encroachment of 0.80m (approx. 2.62ft) at the second storey on the right side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the second storey on the right side in this instance.

## Amendments

On April 10<sup>th</sup>, 2023, the applicant's agent revised variance 1 as follows:

1. A walkway attachment of 2m (6.56ft) whereas By-law 0225-2007, as amended, permits a walkway attachment of 1.5m (4.92ft) in this instance;

## Background

**Property Address:** 1312 Stavebank Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: **Greenlands &** Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-1-Residential

**Other Applications:** Site Plan Application SPI 22-20

### Site and Area Context

The subject property is located southwest of the Stavebank Road and Mineola Road West intersection. Directly west of the subject property is the Credit River. The surrounding area context is primarily residential, consisting of a mix of one and two-storey detached dwellings on

lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a two-storey detached dwelling requiring variances related to a walkway attachment, driveway width, gross floor area, eave height, side yards and eaves encroachments.



## 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 designated Greenlands & Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Greenlands designation only permits development for existing lots of record. Staff note that the proposed dwelling is located on an existing lot of record and is entirely situated on lands designated Residential Low Density I, which permits detached dwellings. Furthermore, the Credit Valley Conservation (CVC) has indicated they have no objections to the application. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours with respect to 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 proposed dwelling will not negatively impact the character of the streetscape. Staff are 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?**

Variances #1 and 2 pertain to a walkway attachment and driveway. The intent of restricting driveway width 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. The intent of restricting driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of front yard being soft landscaping. On April 10<sup>th</sup>, 2023, the applicant submitted revised drawings reducing the proposed walkway attachment to 2m (6.56ft). Planning staff have no concerns with the applicant's revised walkway as it is not wide enough to accommodate a parking space. With respect to variance #2, Planning staff is of the opinion that the variance represents a minor deviation from the maximum width permitted. Furthermore, the proposed width maintains the intent of the by-law by only accommodating two parking spaces side by side. Lastly, the proposed width is not maintained as the driveway tapers from 6.62m (approx. 21.71ft) to 4.05m (13.29ft) at its access point.

Variance #3, 6, 7, 8, 9, 10, 11, 12 and 13 are for setbacks, eave encroachments and combined width of side yards. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered. Lastly, the proposed setbacks are a consequence of the irregular lot shape. The subject property is narrowest at its frontage and widens as you move toward the rear yard.

Variances #4 and 5 relate to gross floor area and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. While these variances appear excessive numerically, staff note that the grade of the subject property directly influences the values contained in the variances. In this instance, the basement's area is included in the overall calculation of gross floor area. This is because the difference between the underside of the floor joists and established grade exceeds 1.8m (5.91m), therefore the "basement" is considered to be the first storey and is therefore included in the overall gross floor area.. Staff is of the opinion that the variance represents a minor deviation from the maximum gross floor area permitted as of right. Furthermore, additional gross floor area from the basement will not pose any massing concerns to abutting neighbours or the streetscape, as the proposed dwelling is located at a lower elevation. The proposed dwelling also incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as large windows, multiple rooflines and a staggered façade. The combination of these features help to minimize the overall massing impact in relation to the streetscape and neighbouring properties. Further, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

As such, staff are 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?**

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose any negative impact to the neighbourhood. Furthermore, the dwelling's staggered architectural features break up the overall massing of the dwelling stemming from the increased gross floor area and eave heights. The proposed setbacks and side yard width are of no concern to staff and are consistent with what is found in the immediate neighbourhood. Lastly, the elevation of the property where the dwelling sits is lower than abutting properties to the north and south and the street. As a result, the proposed dwelling maintains compatibility with newer two storey dwellings in the neighbourhood and will not pose any massing concerns to abutting properties or the streetscape. Staff is of the opinion that the application represents appropriate development of the 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

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

Based on review of Site Plan Application SPI 22-20 I can confirm 1, 3, and 4 are correct, however further information is required for staff to confirm if further variances are accurate and/or required.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

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:

The lands adjacent on both sides of the property are owned by the City of Mississauga, identified as Credit River Flats (P-066), classified as a 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.

Should the application be approved, Community Services provides the following notes:

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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

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 Comments**

**Re: CVC File No. A 23/068**

**Municipality File No. A 68/23**

**Amit Caplash**

**1312 Stavebank 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 regulated for floodplain and slope hazard associated with Credit River. 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).

#### **Proposal:**

The property owner of 1312 Stavebank Road, zoned R1-1-Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction a new dwelling proposing:



1. A walkway attachment of 3.05m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a walkway attachment of 1.5m (approx. 4.92ft) in this instance;
2. A driveway width of 6.62m (approx. 21.71ft) whereas By-law 0225-2007, as amended, permits a driveway width 6.0m (approx. 19.68ft) in this instance;
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5. An excessive eaves height of 7.41m (approx. 24.31ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.40m (approx. 20.99ft) in this instance;
6. An insufficient side yard setback of 1.8m (approx. 5.90ft) to the second storey on the left side whereas By-law 0225-2007, as amended, requires a sideyard setback of 2.41m (approx. 7.90ft) to the second storey on the left side in this instance;
7. An insufficient side yard setback of 2.04m (approx. 6.69ft) to the second storey on the right side whereas By-law 0225-2007, as amended, requires a sideyard setback of 2.41m (approx. 7.90ft) to the second storey on the right side in this instance;
8. An insufficient side yard setback of 2.51m (approx. 8.23ft) to the third storey on the left side whereas By-law 0225-2007, as amended, requires a sideyard setback of 3.02m (approx. 9.90ft) to the third storey on the left side in this instance;
9. An insufficient side yard setback of 1.95m (approx. 6.39ft) to the third storey on the right side whereas By-law 0225-2007, as amended, requires a sideyard setback of 3.02m (approx. 9.90ft) to the third storey on the right side in this instance;
10. An eaves encroachment of 1.42m (approx. 4.65ft) at the third storey on the left side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the third storey on the left side in this instance;
11. An eaves encroachment of 1.85m (approx. 6.06ft) at the third storey on the right side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the third storey on the right side in this instance;
12. An eaves encroachment of 1.04m (approx. 3.41ft) at the second storey on the left side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the second storey on the left side in this instance; and,
13. An eaves encroachment of 0.80m (approx. 2.62ft) at the second storey on the right side whereas By-law 0225-2007, as amended, permits an eaves encroachment of 0.45m (approx. 1.47ft) at the second storey on the right side in this instance.

**Comments:**

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the requested minor variance application by the Committee at this time. CVC staff have reviewed the proposed development through pre-consultation (PD 21/072) and Site Plan Approval application (SP 22/020).

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. 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 Comments****Minor Variance Application: A-68/23 – 1312 Stavebank Road**Development Engineering: Camila Marczuk (905) 791-7800 x8230**Comments:**

- 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 905.791.7800 x7973 or by email 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. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

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 Authority (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