

City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A70.23 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 variances #1, 3, 4 and 5. However, the City recommends that variance #2 be refused.

Application Details

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

1. A height to the highest ridge of 15.15m (approx. 49.70ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
2. A height to the eaves of 13.24m (approx. 43.44ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A front yard setback to the balcony of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 8.00m (approx. 26.25ft) in this instance;
4. A rear yard setback to the addition of 7.26m (approx. 23.82ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
5. A rear yard setback to the rear deck stairs of 3.76m (approx. 12.34ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 341 Mineola Rd W

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands & Residential Low Density I

Zoning By-law 0225-2007**Zoning: R2-1 - Residential****Other Applications: Building Permit under file BP9ALT 22-5246****Site and Area Context**

The subject property is located northwest 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 an addition requiring variances related to heights and setbacks.

**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 Residential Low Density I permits detached dwellings. The Credit Valley Conservation Authority (CVC) has indicated they have no objections to the application. 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 proposal maintains the residential character of the lot and surrounding area, and therefore 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 and 2 pertain to building height and eave height. The intent of restricting the building 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.

When viewing the proposal from the dwelling's façade, staff note that there is a 5.61m (18.4ft) discrepancy between average grade and the grade where a majority of the dwelling sits. Therefore, when viewing the dwelling from the front lawn, the dwelling would appear to have a height of 7.64m (25ft) to the eaves and an overall height of 9.54m (31.3ft). The perceived overall increase in dwelling height represents a minor deviation from the permitted as of right maximum and therefore would have a negligible impact against abutting properties and the streetscape. However, the proposed eave height is excessive and will create significant massing concerns. Staff note that the property slopes downward from front to back, giving the appearance that the dwelling is taller higher as you move toward the back. Staff are concerned that this will cause massing concerns for the abutting property to the north and east (1336 Stavebank Road).

Variance #3 is for a front yard setback to a balcony. The intent of front yard setbacks are to ensure that a consistent character is maintained along the streetscape and that sufficient front yard space is incorporated into the design of neighbourhoods. Staff note that the front yard setback is consistent with lots in the immediate area. Further, the balcony does not pose any massing concerns as it is unenclosed. Lastly, staff note that the municipal boulevard adjacent to the front yard is wide, reducing the impact of the reduced setback on the streetscape.

Variances #4 and 5 request reduced rear yards measured to both the rear wall and stairs of the dwelling. The intent of a rear yard setback is to ensure an adequate buffer between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. Due to the existing dwelling's positioning on the subject property, the rear yard is effectively a side yard, as the exterior side and front yard is utilized as an outdoor amenity area. Individually, staff have no immediate concerns with the proposed setbacks, as they are generally consistent with existing conditions. However, staff are concerned that the combination of increasing the eave height of the dwelling with the decreased rear yard setbacks, will exacerbate the dwelling's massing.

Given the above Planning staff are satisfied that variances #1, 3, 4 and 5 maintain the general intent and purpose of the zoning by-law. However, staff is of the opinion that variance #2 should be refused.

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

Staff are satisfied that variances #1, 3, 4 and 5 of the proposal represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape, and are minor in nature. However, staff are of the opinion that variance #2 is excessive and inappropriate and will have significant massing impacts on abutting properties and the streetscape.

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 by our Development Construction Section through the Building Permit Process for BP9 ALT-22/5246.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP9ALT 22-5246. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that

have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Gary Gagnier; 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 to the rear of the property, identified as Not To Be Named (P-234) *(Between Knareswood Dr. and Pine Tree Cres.), are 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.

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 23/070

Municipality File No. A 70/23

Victor and Huwaida Rabba**341 Mineola Rd West****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 341 Mineola Rd W, zoned R2-1 - 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 of an addition proposing:

1. A height to the highest ridge of 15.15m (approx. 49.70ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
 2. A height to the eaves of 13.24m (approx. 43.44ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
 3. A front yard setback to the balcony of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 8.00m (approx. 26.25ft) in this instance;
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- and,

5. A rear yard setback to the rear deck stairs of 3.76m (approx. 12.34ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) 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 21/269).

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-70/23 – 341 Mineola Road West**

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.
- 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.

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