

City of Mississauga Department Comments

Date Finalized: 2023-03-01	File(s): A4.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-03-09 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A garage projection of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance;
2. An eaves height of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 30.65% (348.56sq m (approx. 3751.87sq. ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (341.16sq m (approx. 3672.22sq ft)) in this instance;
4. A highest ridge height of 10.69m (approx. 35.07ft) whereas By-law 0225-2007, as amended, permits a maximum highest ridge height of 9.50m (approx. 31.17ft) in this instance;
5. A front yard setback of 10.27m (approx. 33.70ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
6. A dwelling depth of 30.05m (approx. 98.59ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance and,
7. A pilaster encroachment into the front yard of 1.93m (approx. 6.33ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the front yard of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 112 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 Application under file BP 9NEW 22-4658

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, south of the Wenonah Drive and Lakeshore Road East intersection. The surrounding neighbourhood consists of one to two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property is vacant with little vegetation throughout the lot.

The applicant is proposing a new three-storey detached dwelling 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 are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings.

The intent of the infill regulations is to regulate the overall massing of new dwellings and ensure they are compatible with the surrounding area. The proposed variances raise concerns with respect to the intent of the infill regulations. Staff are of the opinion that the proposed dwelling will present significant massing concerns to neighbouring properties due to its overall depth, building height and eave height. Staff have no immediate concerns with the remaining variances. As such, staff recommends that the application be deferred to allow the applicant an opportunity to redesign the dwelling.

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-22/4658.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit Application under file BP 9NEW 22-4658. 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 12/02/2022 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: A. McCormack, Zoning Examiner

Appendix 3 – Credit Valley Conservation

Re: CVC File No. A 23/004

Municipality File No. A 004/23

Sandeep Kandola

112 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).

Proposal:

The property owner of 112 Cumberland Dr, zoned R15-9 - 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 a new dwelling proposing:

1. A garage projection of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance;
2. An eaves height of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
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Comments:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. A CVC permit is required for the proposed development and has been issued (FF 21/030). As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please note a CVC permit may be required for future development on the subject property.

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

Appendix 4 – Region of Peel

Minor Variance Application: A-4/23, 112 Cumberland DriveDevelopment 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) Authority. Regional Planning staff, therefore, request that the Committee and City staff consider comments from the CVC Authority and incorporate their conditions of approval appropriately.

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