

City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A138.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 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 gross floor area of 825.58sq m (approx. 8886.47sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 747.11sq m (approx. 8041.83sq ft) in this instance;
2. A garage area of 104.69sq m (approx. 1126.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29ft) in this instance;
3. A front yard setback of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
4. A front yard setback to an eaves overhang of 8.20m (approx. 26.90ft) whereas By-law 0225-2007, as amended, requires a setback to the eaves overhang of 8.55m (approx. 28.05ft) in this instance;
5. A front yard setback to the porch of 6.98m (approx. 22.90ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.40m (approx. 24.28ft) in this instance;
6. A combined side yard width of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 12.33m (approx. 40.45ft) in this instance;
7. A height to the highest ridge of 12.09m (approx. 39.67ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
8. An eaves height of 7.84m (approx. 25.72ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A building depth of 20.85m (approx. 68.71ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Amendments

The Building Department is no longer reviewing a Site Plan Infill application under file SPI 21-127 W2. Based on review of the information currently available in this application, the following variances should be amended as follows:

2. A garage area of 105.11sq m (approx. 1131.39sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29ft) in this instance;
6. A combined width of side yards of 17.17%, whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00%, in this instance.
8. An eaves height of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

In addition to above, please note that the Gross Floor Area – Infill Residential calculation is likely not calculated in accordance with the updated definition (deductions allowing the lesser of 10.00% of the max permitted or all void areas) and can't be confirmed.

Background

Property Address: 893 Longfellow Ave

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: SPI 21-127

Site and Area Context

The subject property is located south-east of the Lakeshore Road West and Lorne Park Road intersection in the Lorne Park Estates. Currently the property contains a single-storey detached dwelling with significant mature vegetation present in the rear yard. It has a lot area of +/- 2,787m² (30,000ft²) and is one of the largest residential lots in the surrounding area. The immediate neighbourhood is entirely residential, consisting of one and two-storey dwellings with mature vegetation on lots of varying sizes.

The applicant is proposing to construct a new dwelling requiring variances related to gross floor area, garage area, setbacks, height, and building depth.



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

Through discussions with Zoning staff, Planning staff are of the opinion that the Gross Floor Area – Infill Residential calculation is likely not calculated in accordance with the updated definition. Furthermore, staff are of the opinion that variance #7 is excessive and presents massing concerns.

As such, Planning staff recommend that the application be deferred to allow the applicant an opportunity to address staff's comments.

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 has reviewed and is no longer reviewing a Site Plan Infill application under file SPI 21-127 W2. Based on review of the information currently available in this application, variances # 3, 4, 5, 7 and 9, as requested are correct.

Furthermore, the following variances should be amended as follows:

2. A garage area of 105.11sq m (approx. 1131.39sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29ft) in this instance;
6. A combined width of side yards of 17.17%, whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00%, in this instance.
8. An eaves height of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

In addition to above, please note that the Gross Floor Area – Infill Residential calculation is likely not calculated in accordance with the updated definition (deductions allowing the lesser of 10.00% of the max permitted or all void areas) and can't be confirmed.

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: Brandon Eidner, Zoning Examiner

Appendix 3 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Lorne Park Estates Cultural Heritage Landscape (CHL). For more information, visit the CHL tab here:

<https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/what-is-a-heritage-property/>. As such a heritage property application is required to demolish. The application form is available here:

<https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It must be accompanied by an accepted Heritage Impact Assessment. The terms of reference are available at

<https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/how-to-prepare-your-heritage-application/>. More comments may be forthcoming.

There is a 60 day waiting period to demolish once the Heritage Impact application has been accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 4- CVC

Re: CVC File No. A 23/138

Municipality File No. A 138/23

Suzana A. Lobo

893 Longfellow Ave

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 slope hazard associated with Moore Creek and is traversed by a wetland at the rear. 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:

It is our understanding that the property owner of 893 Longfellow Ave, zoned R2-5- 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 gross floor area of 825.58sq m (approx. 8886.47sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 747.11sq m (approx. 8041.83sq ft) in this instance;
2. A garage area of 104.69sq m (approx. 1126.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29ft) in this instance;
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instance; 8. An eaves height of 7.84m (approx. 25.72ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and, 9. A building depth of 20.85m (approx. 68.71ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Comments:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided comment on a Site Plan Approval application (SP 21/127) for the proposed development. A CVC permit is required for the proposed development. CVC is currently reviewing a permit application for the proposed development on the subject property (FF 23/075). Any outstanding concerns will be addressed during the CVC permit application process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

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**Minor Variance: A-23-138M – 893 Longfellow Avenue**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- This site does not have frontage on existing municipal sanitary sewer.
- 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located within a Core Woodland of the Greenlands System in Peel as identified under policy **2.14.12** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of *minor development* and *minor site alteration* (ROP 2.14.15), which is subject to policy

2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or Town will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14. 17).

- We therefore request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Patrycia Menko, Junior Planner