

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A569.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested variances. However, the applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve minor variances to construct a new dwelling proposing:

1. A maximum building depth of 21.63m (approx. 70.96ft) whereas by-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.61ft) in this instance; and,
2. A maximum eaves height of 7.02m (approx. 23.03ft) whereas by-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 20.99ft) in this instance.

Background

Property Address: 1270 Contour Drive

Mississauga Official Plan

Character Area: Clarkson-Lorne Park
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson Lorne-Park Character Area, southeast of the Lakeshore Road West and Bexhill Road intersection. The neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with mature vegetation in the front and side yards. The subject property contains an existing one-storey dwelling with little vegetation in the front yard.

The applicant is proposing a two-storey dwelling requiring variances related to dwelling depth and eave 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex and triplex dwellings. 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 regarding 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 new development will not negatively impact the character streetscape. Staff is 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?

Variance #1 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize massing impacts of long walls on neighbouring lots. Staff note the sidewalls of the dwelling are staggered and contain windows and a variety of construction materials that breakup the dwellings massing. Furthermore, the requested variance is a minor increase from the maximum permitted.

Variance #2 pertains to eave height. The intent of restricting 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. The proposed eave height does not add any significant massing to the dwelling. Furthermore, the dwelling's outer walls are staggered and contain features such as multiple roofs and construction materials that breakup the dwelling's massing. The applicant is not requesting an overall height variance, and lastly, there is a 0.3m (0.98ft) to 0.58m (1.9ft) height discrepancy from average grade to finished grade. When viewing the dwelling from the front lawn, the eave height would appear to be 6.44m (21.13ft) to 6.72m (22.05ft), depending on where you are standing. These eave heights represent a minor deviation from the maximum eave height permitted.

As such, staff have no concerns with the applicant's proposal. Staff is 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?

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 through the future Site Plan approval 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.

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: Amy Campbell, Planner-in-Training

Appendix 3- Enbridge

Thank you for sending Enbridge notice of this project.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Application

We understand that this application is to approve a minor variance to construct a new dwelling that proposes to exceed approved depth and height requirements.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed minor variance is within 200 metres of Enbridge infrastructure.

Assessment

Based on a review of the project information provided, the proposed minor variance is not proposing any new crossings or ground disturbance within 30 metres of Enbridge infrastructure. Therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed minor variance at this time, the pipeline is located within 200 metres of Enbridge infrastructure and, therefore, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all future development

Requirements

- 1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.
- 2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.
- 3) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view [Enbridge's Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again

for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Damage Prevention Team, Enbridge Liquids Pipeline Damage Prevention

Appendix 4 - CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. 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)*;
4. 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;
5. 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 CVC mapping, the subject property is traversed by a valley slope associated with a tributary of Turtle Creek at the rear, a wetland at the rear, and is within 150m of a Provincially Significant Wetland (PSW). Additionally, the property is located partially within the City of Mississauga's Natural Heritage System (NHS), Peel Core Greenlands, and the Credit River Watershed NHS. As such, the property is subject to CVC Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. A CVC permit is required for the proposed development prior to getting the building permit from the City.

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 dwelling proposing:

1. A maximum building depth of 21.63m (approx. 70.96ft) whereas by-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.61ft) in this instance; and,
2. A maximum eaves height of 7.02m (approx. 23.03ft) whereas by-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 20.99ft) 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 the proposed development as a Potential Development (PD 22/095) and any outstanding concerns will be addressed during the Site Plan approval and CVC permit process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

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

Servicing: 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

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC) and within a Core Area of the Greenlands System in Peel as identified under policy 2.3.2 of the Regional Official Plan. We rely on the environmental expertise of the CVC

Authority for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment.

- 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