

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A291.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 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 variances and that no additional variances are required.

Application Details

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

1. A height to the top of a flat roof of 8.13m (approx. 26.67ft) whereas By-law 0225-2007, as amended permits a maximum height of 7.50m (approx. 24.61ft) in this instance; and,
2. An east side yard setback of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 13 Pine Ave South

Mississauga Official Plan

Character Area: Port Credit NHD (West)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R15-2- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (West), south of the Lakeshore Road West and Pine Avenue South intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings and duplexes on lots with mature vegetation in both the front and rear yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for building height and setback.



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 (MOP). The designation permits detached, semi-detached and duplex dwellings. Section 9 of the 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. Planning 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?

Variance #1 pertains to flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling as compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Regulating the flat roof height also prevents a third storey as of right due to a combination of maximum permitted height and its architectural style. The proposed dwelling is 2 storeys in height, and staff are of the opinion that the proposed increase in height is minor. Staff are satisfied that the dwelling maintains an appropriate height and does not negatively impact the streetscape and neighbouring properties in this instance.

Variances #2 requests a reduction to the minimum side yard setback regulation. Staff note that the reduction is for the setback to the balcony only, located on the east side of the property. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff note that the dwelling itself meets the required setbacks maintaining access to the rear yard. Furthermore the balcony spans only a small portion of the dwelling on the east side, maintaining appropriate buffer to the lot line.

Staff therefore are of the opinion that the variance maintains the general intent and purpose of the zoning by-law

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

Given the above Planning staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Shivani Chopra, Planner in Training

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

We note that a Building Permit is required. In the absence of a Building Permit 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: Brooke Herczeg, 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 to the property are owned by the City of Mississauga, 0 Masonry Way and zoned OS1 – Open Space – Community Park.

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

1. If future construction is required, 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

Appendix 4 – Metrolinx

13 Pine Ave South

Metrolinx is in receipt of the minor variance application for 13 Pine Ave South to facilitate the construction of a new detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact

Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5- Region of Peel

Minor Variance Application: A-23-291M – 13 Pine Avenue South

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.
- 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.

Comments Prepared by: Patrycia Menko, Junior Planner