

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A297.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

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

1. A front yard setback of 4.05m (approx. 13.29ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the porch steps of 5.05m (approx. 16.57ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;
3. A setback to the garage face of 5.75m (approx. 18.86ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the garage face of 7.50m (approx. 24.61ft) in this instance;
4. A height to the highest ridge of 9.96m (approx. 32.68ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
5. An area of a balcony above the garage of 31.78sq m (approx. 342.08sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 10.00sq m (approx. 107.67sq ft) in this instance;
6. A front yard setback to a balcony above a garage of 6.07m (approx. 19.91ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
7. An east side yard setback to a second storey of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance; and,
8. An east side yard setback to the third storey of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.42m (approx. 7.94ft) in this instance.

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75- Residential

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Cawthra Road and Lakeshore Road East. The neighbourhood is residential, consisting primarily of one, two and three storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with vegetation in the front and rear yards.

The applicant is proposing a new three-storey dwelling, requiring variances related to setbacks, building height and balcony area.

**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 II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located in the Lakeside Precinct in the South Residential Neighbourhood and is subject to the policies within the Lakeview Local Area Plan.

Variances #1, 2, 3, and 6 pertain to front yard setbacks. Staff note that the proposed variances are required to accommodate a reduced front yard to the dwelling's face, the garage' face, porch steps and a balcony. Staff note that these setbacks are consistent with front yards found in the immediate area. Furthermore, the porch steps and balcony are features of the dwelling do not create significant massing. Lastly, the proposed dwelling directly faces Lake Ontario.

Variance #4 pertains to 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. This will keep the dwelling within human scale. Planning staff are of the opinion that the dwelling's overall height represents a minor deviation from the permitted maximum. Furthermore, the dwelling incorporates architectural elements and design features which breakup the visual massing of the dwelling.

Variance #5 is for increased balcony area. Planning staff note that the proposed balcony faces Lake Ontario and is located in the front yard of the subject property. Staff are satisfied that the request for increased balcony area will not impose upon neighbouring properties or create privacy or overlook concerns.

Variances #7 and 8 are for reduced side yard setbacks. These setbacks are only required to the second and third storeys on the east side of the dwelling. The applicant is proposing the same setback to the second and third storeys as is proposed to the first storey. Staff note that it is common for second and third storey dwellings in the immediate area to have the same setback to the lot line as the first storey portion of the dwelling. Furthermore, the proposed setbacks ensure adequate buffer to the easterly lot line and the dwelling is designed to mitigate any massing concerns that would ever arise from reduced setbacks.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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

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.

City Department and Agency Comments	File:A297.23	2023/08/16	5
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Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-23-297M – 653 Beach Street

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.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Area (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements 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

Appendix 4 – CVC

Re: CVC File No. A23/297

Municipality File No. A297.23

Michael and Amber Pronski

653 Beach Street

Lot 11 Con 3 SDS

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.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due to Lake Ontario Shoreline hazard. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 applicant is requesting the Committee to approve a minor variance to allow construction of a new dwelling proposing:

1. A front yard setback of 4.05m (approx. 13.29ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft);
2. A front yard setback to the porch steps of 5.05m (approx. 16.57ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft);
3. A setback to the garage face of 5.75m (approx. 18.86ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the garage face of 7.50m (approx. 24.61ft);
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7. An east side yard setback to a second storey of 1.55m (approx. 5.09ft) whereas Bylaw 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft); and,
8. An east side yard setback to the third storey of 1.55m (approx. 5.09ft) whereas Bylaw 0225-2007, as amended, requires a minimum setback of 2.42m (approx. 7.94ft)

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. The property is regulated by CVC and a CVC permit is required for the proposed works. The applicant is advised to contact CVC staff to discuss the proposal and next steps related to CVC permitting requirements.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should contact CVC to make this payment at their earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner