

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A95.21 Ward: 1
To: Committee of Adjustment	
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 additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A rear yard setback to the attached garage of 1.41m (approx. 4.63ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the attached garage of 7.50m (approx. 24.61ft) in this instance;
2. A rear yard setback to the second storey of 1.41m (approx. 4.63ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the second storey of 7.50m (approx. 24.61ft) in this instance;
3. A dwelling depth of 23.07m (approx. 75.69ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and,
4. A gross floor area of 341.35sq m (approx. 3674.26 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 305.00sq m (approx. 3282.99sq. ft) in this instance.

Background

Property Address: 52 Front Street South

Mississauga Official Plan

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

Zoning By-law 0225-2007

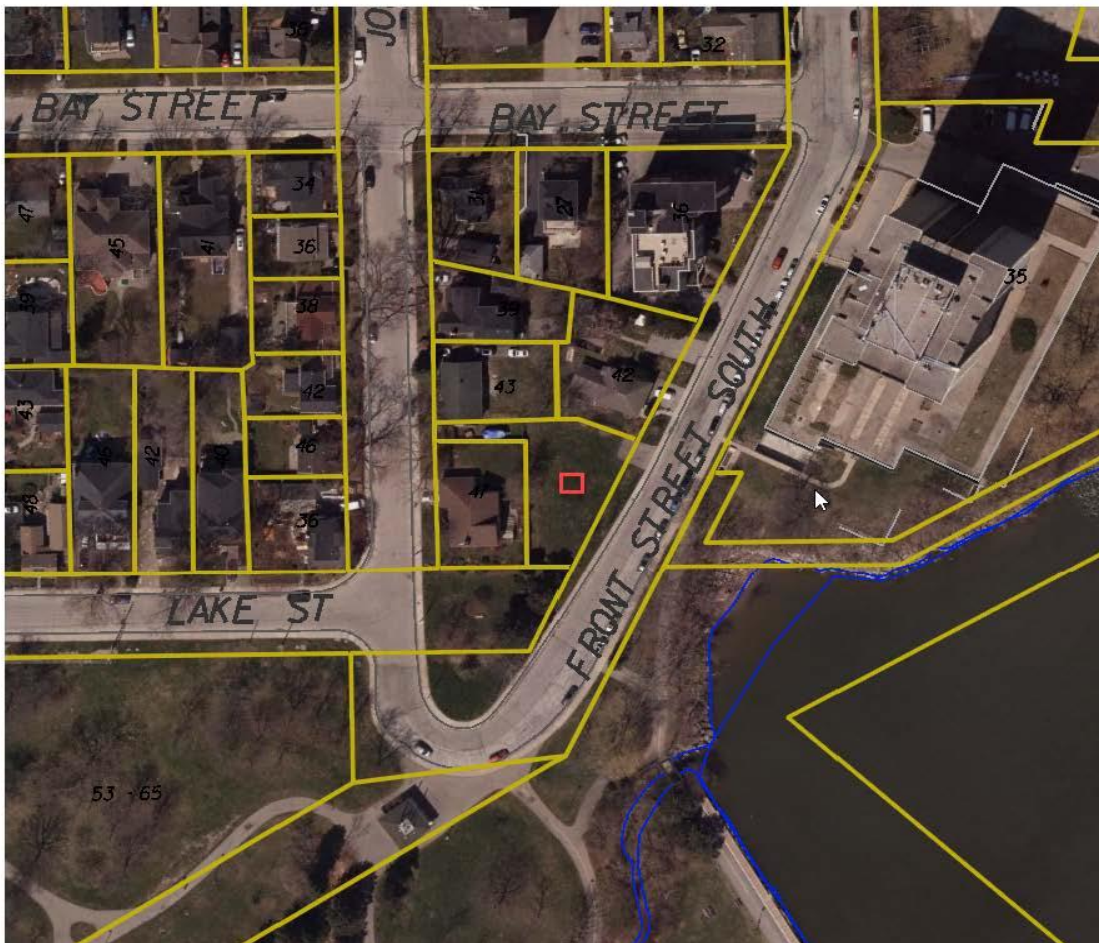
Zoning: R15-1 - Residential

Other Applications:

Site and Area Context

The subject property is located within the Old Port Credit Heritage Conservation District of the Port Credit Neighbourhood Character Area, south of Lakeshore Road West and Front Street South. The immediate neighbourhood consists of one and two storey detached dwellings with mature vegetation, including a mix of newer and older two storey dwellings. The subject property is currently vacant.

The applicant is proposing a new two storey detached dwelling, requiring variances related to dwelling depth, gross floor area and rear yard setbacks.



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:

The subject application was deferred by the Committee on April 8, 2021. At that time, Planning staff recommended deferral to allow the applicant an opportunity to address concerns raised by Heritage Planning staff. Staff note that the proposal has now obtained approval from the Heritage Advisory Committee (HAC). The current proposal reflects the revised plans approved by HAC.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Port Credit Neighbourhood (West) Character Area and 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 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. The proposed detached dwelling respects the designated and surrounding land use and maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 and #2 request relief in the rear yard setback measured to the attached garage and second storey respectively. Staff note that due to the irregular shape and orientation of the lot, the front façade of the dwelling faces the exterior side yard. As a result, the rear of the house faces the interior side yard, which functions as the main amenity area. The setbacks vary from 3m (10ft) to 30m (98.8ft). Though technically considered the rear yard, the subject yard functions as a side yard in this particular instance. The proposed setback of 1.41m (4.7ft) is measured from a pinch point and gradually increases to 1.98m (6.6ft) towards the east side of the property. Staff are satisfied that an appropriate amenity area is maintained between the rear and exterior side yards. Furthermore an ample buffer between structures on abutting properties is maintained.

Variance #3 requests an increase in the dwelling depth. The intent of this provision is to minimize the impacts of long walls on neighbouring lots as a result of the massing. Staff note that the dwelling itself has a depth of 10.11m (33.2ft), however the zoning by-law requires the calculation of the dwelling depth from outside of the front wall to the outside of the rear wall, including the attached garage. This results in a diagonal depth calculation in this particular instance. Staff note that due to the irregular lot configuration, the south side of the dwelling is considered the front of

the house. Staff are satisfied that the proposed depth is to accommodate the dwelling with respect to the irregular shape and orientation of the lot. Staff are of the opinion that the additional depth will not be perceptible from neighbouring properties in this instance. Staff are satisfied that the general intent and purpose of the zoning by-law is maintained.

Variance #4 requests an increase in the gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Staff note that the applicant has worked with Planning staff to address concerns and reduce the requested gross floor area from 360m² (3875.01ft²) to 341.35m² (3674.26ft²). Staff are satisfied that the revised proposal appropriately balances the existing built form and character of the neighbourhood.

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

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 – CVC

Please see below comments for Minor Variance application A21/095 for 52 Front St S, Mississauga.

Site Characteristic:

The property is adjacent to Lake Ontario Shoreline flooding and erosion hazards. 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 rear yard setback to the attached garage of 1.41m (approx. 4.63ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the attached garage of 7.50m (approx. 24.61ft) in this instance;

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Comments:

As per our previous comments, 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.

Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 4 – Heritage

An application for a new dwelling at 52 Front Street South was approved by the Heritage Advisory Committee (HAC) on December 6, 2022. There are some minor changes to the plans approved by HAC being brought forward as part of this Committee of Adjustment application. This will require the applicant to submit a revised heritage application. Heritage staff have no concerns with the Committee of Adjustment application moving forward.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5- Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner