

City of Mississauga Department Comments

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| Date Finalized: 2023-09-06 | File(s): A87.23 |
| To: Committee of Adjustment | Ward: 1 |
| From: Committee of Adjustment Coordinator | Meeting date:2023-09-14 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. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. A lot coverage of 178.8sq.m (37.8%) whereas By-law 0225-2007, as amended, permits a lot coverage of 166.5sq.m (35%) in this instance;
2. A rear yard setback of 5.95m (approx. 19.52ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to the dwelling in this instance;
3. A rear yard setback of 5.41m (approx. 17.74ft) to the balcony whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to the balcony in this instance;
4. A rear yard setback of 2.27m (approx. 7.44ft) to the deck whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to the deck in this instance;
5. A dwelling setback of 5.95m (approx. 19.52ft) to the greenland zone whereas By-law 0225-2007, as amended, requires a minimum dwelling setback of 7.50m (approx. 24.61ft) to the greenland zone in this instance;
6. A deck setback of 2.27m (approx. 7.44ft) to the greenland zone whereas By-law 0225-2007, as amended, requires a deck setback of 7.50m (approx. 24.61ft) to the greenland zone in this instance;
7. A basement/porch steps setback of 2.31m (approx. 7.57ft) to the greenland zone whereas By-law 0225-2007, as amended, requires a minimum basement/porch steps setback of 7.50m (approx. 24.61ft) to the greenland zone in this instance; and,
8. A balcony setback of 5.41m (approx. 17.74ft) to the greenland zone whereas By-law

0225-2007, as amended, requires a balcony setback of 7.50m (approx. 24.61ft) to the greenland zone in this instance.

Background

Property Address: 887 Beechwood Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

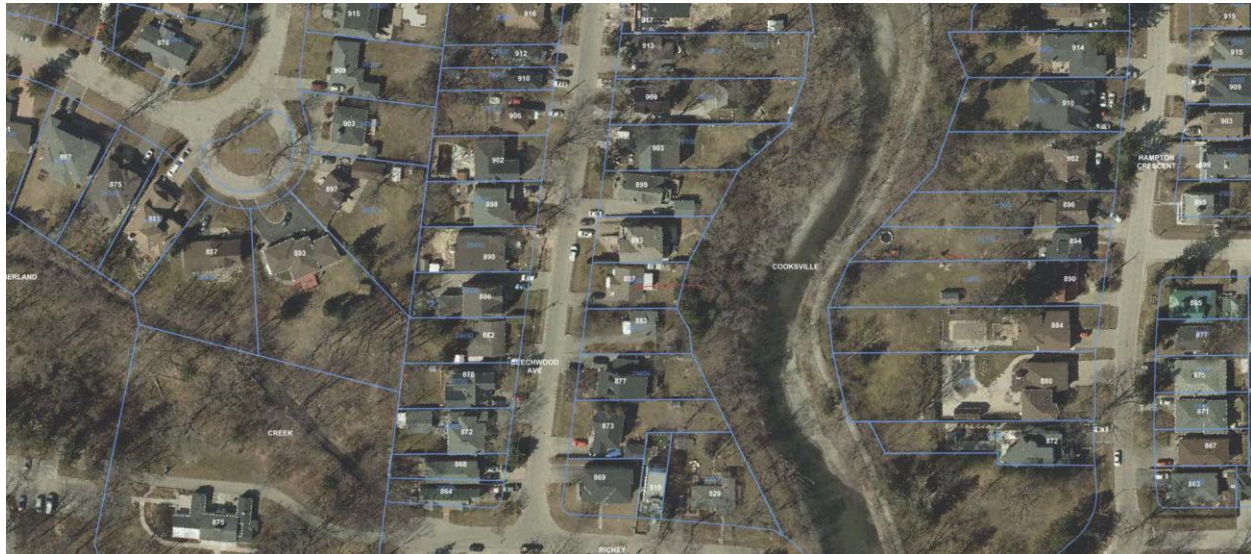
Zoning: R3-75- Residential

Other Applications: none

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, southeast of the Enola Avenue and Lakeshore Road East intersection. Directly abutting the subject property to the east is Cooksville Creek. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant proposes a new two-storey detached dwelling requiring variances for gross floor area and a rear yard 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 are as follows:

Staff comments concerning the application are as follows: The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings.

The above noted application was deferred by the Committee of Adjustment on April 27th, 2023. Staff noted concerns in their report with the proposed gross floor area.

The applicant has submitted a revised application and has reduced the proposed gross floor area and no longer requires a variance.

Variance #1 is regarding lot coverage. The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot. Staff note that the dwelling's footprint is 35.3% of the total lot coverage, which represents a minor increase from the maximum permitted. The remaining lot coverage is attributable to covered porches that are primarily open structures that do not pose massing concerns. Lastly, the variance is required as a direct result of the property's size. While the subject property's frontage is consistent with a majority of lots with frontage on Beechwood Avenue, most lots located on the east side of Beechwood Avenue are

deeper than the subject property. In this instance, the size of the property is constrained due to its proximity to Cooksville Creek.

Variances #2, 3 and 4 are for rear yard setbacks. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Staff note that the rear lot line abuts Cooksville Creek. As such, the proposal does not pose massing concerns. Furthermore, the variance for rear yard setback to the dwelling's face is only required at one point, as the rear lot line is slanted and the setback to the dwelling increases from north to south as you move along its rear wall.

Variance #5, 6, 7 and 8 are for setbacks to the G1 zone. Planning staff rely on the expertise of staff in the City's Community Services Department and Credit Valley Conservation Authority when evaluating requests for reduced setbacks to the G1 zone. No concerns or objections have been identified in comments provided by staff in the Community Services Department or Credit Valley Conservation Authority.

Through a detailed review of the application, staff are 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.

Comments Prepared by: Candice Williams, 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 to the rear of the property are owned by the Credit valley Conservation Authority, leased by the City of Mississauga, identified as Helen Molasy Memorial Park (P-261), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

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

1. Construction 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 Assistant

Appendix 4 – CVC

Re: CVC File No. A23/87
Municipality File No. A87.23
Swaranjit Ota
887 Beechwood Ave
Lot 12 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 flood hazard associated with Cooksville Creek. 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 lot coverage of 178.8sq.m (37.8%) whereas By-law 0225-2007, as amended, permits a lot coverage of 166.5sq.m (35%) in this instance;

2. A rear yard setback of 5.95m (approx. 19.52ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to the dwelling in this instance;
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CVC 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 forward this directly to CVC at the earliest convenience.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner