

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A138.23 Ward: 2
To: Committee of Adjustment	
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 the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A gross floor area of 825.58sq m (approx. 8886.47sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 747.11sq m (approx. 8041.83sq ft) in this instance;
2. A garage area of 104.69sq m (approx. 1126.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29ft) in this instance;
3. A front yard setback of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
4. A front yard setback to an eaves overhang of 8.20m (approx. 26.90ft) whereas By-law 0225-2007, as amended, requires a setback to the eaves overhang of 8.55m (approx. 28.05ft) in this instance;
5. A front yard setback to the porch of 6.98m (approx. 22.90ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.40m (approx. 24.28ft) in this instance;
6. A combined side yard width of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 12.33m (approx. 40.45ft) in this instance;
7. A height to the highest ridge of 11.29m (approx. 37.04ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
8. An eaves height of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A building depth of 20.85m (approx. 68.71ft) whereas By-law 0225-2007, as amended,

permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Amendments

Planning staff have reviewed Zoning staff's comments and note that the drawings and proposal provided under file A138.23 differs from file SPI-127 W2. As such, Planning staff are of the opinion that only Variance #6 should be amended as follows:

6. A combined width of side yards of 17.17%, whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00%, in this instance.

Background

Property Address: 893 Longfellow Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: SPI 21-127

Site and Area Context

The subject property is located south-east of the Lakeshore Road West and Lorne Park Road intersection in the Lorne Park Estates. Currently the property contains a single-storey detached dwelling with significant mature vegetation located in the rear yard. It has a lot area of +/- 2,787m² (30,000ft²) and is one of the largest residential lots in the surrounding area. The immediate neighbourhood is entirely residential, consisting of one and two-storey dwellings with mature vegetation on lots of varying sizes.

The applicant is proposing to construct a new dwelling requiring variances related to gross floor area, garage area, setbacks, height, and building depth.



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 and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I permits detached, semi-detached and duplex dwellings.

The above noted application was deferred by the Committee on May 25th, 2023. Staff noted concerns in their report with respect to the accuracy of the gross floor area (GFA) calculation and excessiveness of the proposed height.

The applicant's agent has informed staff that they are confident that the calculation of the proposed GFA is correct and that they wish to proceed with the proposal without verification from Zoning staff. Furthermore, the applicant has reduced the overall dwelling's height from 12.09m (39.67ft) to 11.29m (37.04ft) and eave height from 7.84m (25.72ft) to 7.67m (25.16ft). The remaining variances have not changed since the first submission.

Variance #1 pertains to gross floor area. Staff are of the opinion that the proposed dwelling is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #2 is for garage area. While the variance appears numerically excessive, staff are of the opinion that the garage is appropriately designed to ensure it will not impose upon the streetscape or become a focal point of the development.

Variations #3, 4 and 5 are for front yard setbacks. Staff are of the opinion that the proposed setbacks represent minor deviations from the minimum requirements. Furthermore, the proposed setbacks are generally consistent with front yards found in the immediate area. Lastly, the wide municipal boulevard provides an additional buffer between the dwellings massing and the street.

Variance #6 is for combined side yard width. Staff note that the proposed side yards are consistent with side yards found in the immediate area and that the applicant is not requesting variances for individual side yard width.

Variations #7 and 8 relate to height. Although the proposed heights appear excessive, staff have identified new development in the immediate area with similar building heights. The property abuts vacant lots to the north and east and the dwelling is significantly setback from the southerly lot line. The wide municipal boulevard provides a buffer between the massing of the building and the public realm and the dwelling is located toward the terminus of a private street. Therefore, there will be minimal massing impacts to the streetscape.

Variance #9 is for dwelling depth. Staff is of the opinion that the applicant's proposal represents a minor increase from the maximum dwelling depth permitted. Furthermore, the variance is only required for the dwelling's northerly side wall, which faces a vacant property with significant mature vegetation and a private laneway.

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Lorne Park Estates Cultural Heritage Landscape (CHL). For more information, visit the CHL tab here: <https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/what-is-a-heritage-property/>. As such a heritage property application is required to demolish. The application form is available here: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It must be accompanied by an accepted Heritage Impact Assessment. The terms of reference are available at <https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/how-to-prepare-your-heritage-application/>. More comments may be forthcoming. There is a 60 day waiting period to demolish once the Heritage Impact application has been accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 4- CVC

Please see below CVC comments for Minor Variance application A138.23 (893 Longfellow Ave, Mississauga):

Please note that CVC previously reviewed and commented on the proposal for this application. We have no further comments and no objection to the revised Minor Variances by the Committee at this time. A CVC permit (FF 23/075) has been issued for the proposed works.

Please let me know if you have any questions or concerns.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Enbridge

RE: Notice of Public Hearing - Longfellow Ave Development in the City of Mississauga

Your File #: A138.23

Our Reference #: R230825-007ON

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquids Pipeline network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

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 for the property on 893 Longfellow Ave, zoned R2-5-Residential, and has applied for a minor variance to allow the construction of a new 825.58sq m dwelling and garage 104.69sq m area.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed residential development partially falls within the Pipeline Assessment Area (220m) but is outside the prescribed area.

Assessment & Requirements

Based on a review of the project materials for the proposed residential development at 893 Longfellow Ave, Enbridge has no concerns, for the proposed development at this time, is only partially within the pipeline assessment area, and is not proposing any new crossings or ground disturbance within the prescribed area. Therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed residential development at this time, the pipeline is still located within 220m of the proposed development even while the development is not within the prescribed area, nor proposing any new crossings or ground

disturbances within the prescribed area. For this reason of nearby proximity, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must still 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 from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area"**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

4) **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline**. For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

The written authorization request must include:

a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.

b. Drawings should include any new utilities that will cross the right-of-way.

5) **Road Crossings:** Where future development such as a roadway or a parking area is proposed within the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.

6) **Subdivision lot lines should not divide the pipeline right-of-way**. Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see **Attachment 02** for details.

7) **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

8) **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see **Attachment 02** for details.

9) **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see **Attachment 02** for details

10) **Fencing** should be installed along the identified open space easement. Please see

Attachment 02 for details

11) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

12) **Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in

Attachment 01 | Approximate Location of Pipeline Infrastructure.

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: Zane Davey, Community Planner

Appendix 6 – Region of Peel

Please apply previous comments.

Comments Prepared by: Patricia Menko, Junior Planner