

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A130.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A front yard setback to the house of 3.74m (approx. 12.27ft) 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 garage of 2.84m (approx. 9.32ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A northern interior side yard setback to the second floor of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A northern interior side yard setback to the third floor of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
5. A northern side yard setback to the eaves on the second floor of 0.90m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
6. A northern side yard setback to the eaves on the third floor of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
7. A southern interior side yard setback to the second floor of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
8. A southern side setback to the eaves on the second floor of 1.46m (approx. 4.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
9. A building height (sloped roof) of 11.34m (approx. 37.20ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;

10. An eave height of 10.08m (approx. 33.07ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
11. A lot coverage of 37.95% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
12. Basement bedrooms in the floodplain whereas By-law 0225-2007, as amended, does not allow bedrooms within the floodplain in this instance; and,
13. A garage depth of 5.21m (approx. 17.09ft) whereas By-law 0225-2007, as amended, requires a minimum garage depth of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 957 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. 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 three-storey detached dwelling requiring variances for setbacks to the dwelling and eaves, building height, eave height, lot coverage, garage depth and basement bedrooms within the floodplains.



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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. The designation permits detached, semi-detached and duplex dwellings.

Planning staff have identified concerns with variances #1, #2, #9 and #10 relating to front yard setbacks and height.

The applicant is proposing a new three-storey detached dwelling. The immediate area primarily consists of one and two-storey detached dwellings, as such, the proposal is out of character with the neighbourhood. Staff are of the opinion that the proposed dwelling and eave heights are excessive in nature and represent a major deviation from the permissible as-of-right regulations. The proposed front yard setbacks are inconsistent with abutting properties and both the front and side yard setbacks exacerbate the dwelling's massing.

Staff are of the opinion that the proposal does not maintain compatibility with the existing dwellings in the neighbourhood, and does not preserve the neighbourhood's character. These variances will create a dwelling with significant massing and impacts that will negatively impact the neighbourhood's character.

As such, staff are of the opinion that the design is not compatible with the existing and planned development of the neighbourhood and recommend that the application be deferred for redesign the proposed dwelling to address the above concerns.

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: Candice Williams, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture 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, 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.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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 – Region of Peel

Minor Variance: A-23-130M – 957 Beechwood Ave

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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 Authority (CVC). The subject land is also located within the CVC Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. 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 and conditions of approval 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 5- CVC

Re: CVC File No. A23/130
Municipality File No. A130.23
Rakesh Patru and Asha Wadhwa
957 Beechwood Ave
Part of Lot 12, Concession 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 property is partially regulated due to flood hazard associated with Cooksville Creek. There is also a wetland mapped at the back of the property. 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 the following minor variances:

1. A front yard setback to the house of 3.74m (approx. 12.27ft) 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 garage of 2.84m (approx. 9.32ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A northern interior side yard setback to the second floor of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A northern interior side yard setback to the third floor of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
5. A northern side yard setback to the eaves on the second floor of 0.90m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
6. A northern side yard setback to the eaves on the third floor of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
7. A southern interior side yard setback to the second floor of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
8. A southern side setback to the eaves on the second floor of 1.46m (approx. 4.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;

9. A building height (sloped roof) of 11.34m (approx. 37.20ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;

10. An eave height of 10.08m (approx. 33.07ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;

11. A lot coverage of 37.95% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;

12. Basement bedrooms in the floodplain whereas By-law 0225-2007, as amended, does not allow bedrooms within the floodplain in this instance; and,

13. A garage depth of 5.21m (approx. 17.09ft) whereas By-law 0225-2007, as amended, requires a minimum garage depth of 6.00m (approx. 19.69ft) in this instance.

COMMENTS:

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to the approval of this minor variances by the Committee at this time.

CVC has previously reviewed and issued a permit for the proposed development as part of CVC permit application FF 23/073.

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.

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