

# City of Mississauga Department Comments

Date Finalized: 2023-10-11	File(s): A370.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-19 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances.

## Application Details

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

1. A lot coverage of 44.64% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance;
2. A height measured to the eaves of 7.36m (approx. 24.15ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
3. A walkway attachment of 2.11m (approx. 6.92ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
4. A rear yard of 6.78m (approx. 22.24ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance;
5. A rear yard measured to the eaves of 6.35m (approx. 20.83ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to the eaves of 7.05m (approx. 23.13ft) in this instance; and
6. A rear yard measured to a second floor balcony of 2.87m (approx. 9.42ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a second floor balcony of 6.50m (approx. 21.33ft) in this instance.

## Amendments

The Building Department is currently processing a building permit under file BP 9NEW 23-7940.

Based on review of the information currently available in this permit application, the variances, as requested are correct.

However, staff have made the CVC and the applicant aware that as the subject lands are within the Greenlands Overlay. If the CVC indicates that, there are windows, doors, bedrooms or other

openings to a dwelling unit below the regulatory flood line than additional variances will be required. The variances should be worded as:

7. To permit a bedroom to be located below the regulatory floor level identified by the Conservation Authority having jurisdiction; whereas By-law 0225-2007, as amended, does not permit a bedroom below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction in this instance.

8. To permit windows, doors and other openings to a dwelling unit below the regulatory floor level identified by the Conservation Authority having jurisdiction; whereas By-law 0225-2007, as amended, does not permit a windows, doors and other openings to a dwelling unit below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction in this instance.

## Background

**Property Address:** 68 Maple Ave S

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

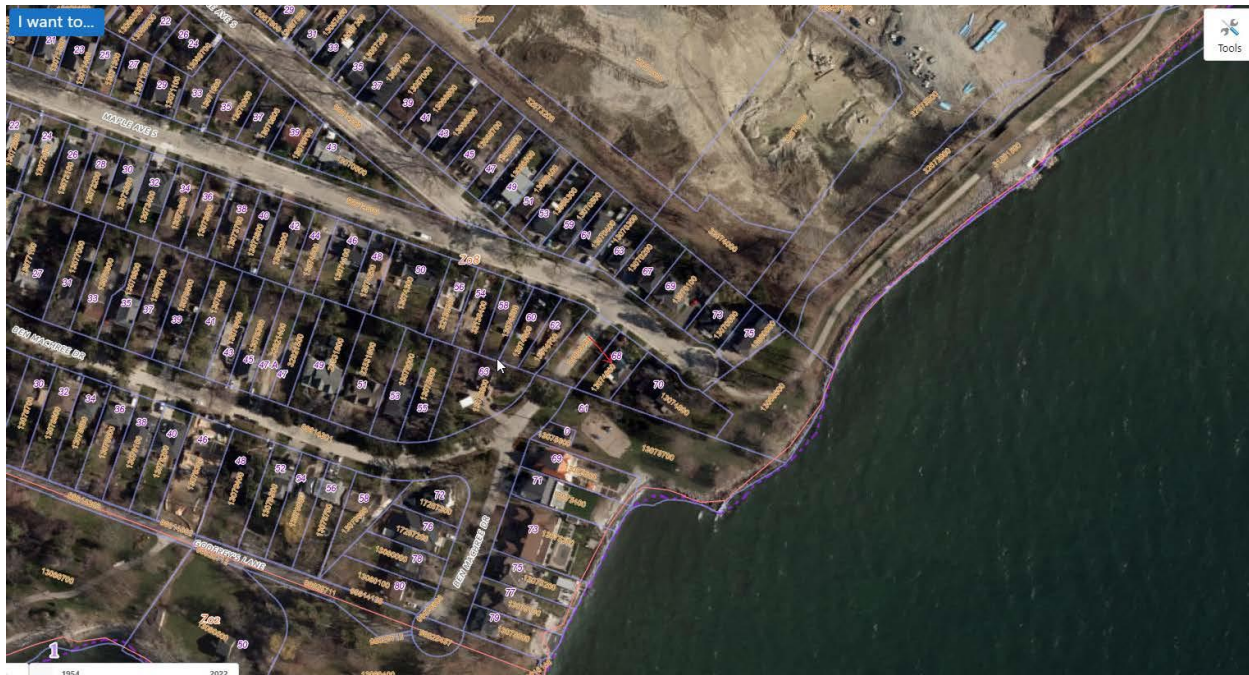
**Zoning:** R15-2 - Residential

**Other Applications:** BP 9ALT-22/4729

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The neighbourhood is entirely residential consisting of one and two storey detached dwellings with mature vegetation. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for lot coverage, height, walkway attachment 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:

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

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 pertains to lot coverage. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. In this instance, the applicant is proposing a lot coverage of 44.64% where a maximum lot coverage of 40% is permitted. Staff note that the request represents a minor deviation from the zoning by-law's requirement. Furthermore, the proposed dwelling only

represents 36% of the total lot coverage. The remaining lot coverage is attributable to a covered porch, decks, porches and a roof overhangs, which results in minimal massing to the dwelling.

Variance #2 pertains to eave 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 note that no overall height variance is being requested. Staff have no concerns with the proposed eave height, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling. Furthermore, staff note a 0.61m (2ft) discrepancy between average grade and the grade where the dwelling sits. From the façade, the dwelling would appear 0.61m (2ft) shorter in height than the value of the variance. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #3 is for a walkway attachment. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. Planning staff are of the opinion that the proposed width and walkway design is appropriate. Staff note that the dimensions of the walkway are not large enough to accommodate a parking space, furthermore, the walkway attaches to the driveway at a 90 degree angle, which will hinder its ability to be utilized for parking purposes.

Variances #4, 5 and 6 pertain to 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 are of the opinion that variance #4 represents a minor deviation from the regulation and is only required at one point due to the angled shape of the lot. Variance #5 is to the eaves, which do not pose massing concerns or pose impacts the rear yard amenity area. Variance #6 is to a second floor balcony. Although the variance appears insufficient numerically, staff are of the opinion that the balcony will not pose any privacy or overlook concerns as the rear yard abuts a public park and no side yard setbacks are required to the balcony.

Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/7940.





Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit under file BP 9NEW 23-7940.

Based on review of the information currently available in this permit application, the variances, as requested are correct.

However, staff have made the CVC and the applicant aware that as the subject lands are within the Greenlands Overlay. If the CVC indicates that, there are windows, doors, bedrooms or other openings to a dwelling unit below the regulatory flood line than additional variances will be required. The variances should be worded as:

*To permit a bedroom to be located below the regulatory floor level identified by the Conservation Authority having jurisdiction; whereas By-law 0225-2007, as amended, does not permit a bedroom below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction in this instance.*

*To permit windows, doors and other openings to a dwelling unit below the regulatory floor level identified by the Conservation Authority having jurisdiction; whereas By-law 0225-2007, as amended, does not permit a windows, doors and other openings to a dwelling unit below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction in this instance.*

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Tage Crooks, 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 Ben Machree Parkette (P-107) and zoned OS2 – Open Space – City Park.

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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning



## Appendix 4 – Region of Peel

### Minor Variance: A-23-370M / 68 Maple Ave S

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

#### Comments:

- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure, please contact Records by email at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca) or at (905) 791-7800 x7973.
- The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.
- 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](mailto:siteplanservicing@peelregion.ca)
- Servicing for the proposed development must comply with the Local Municipality's requirements for the Ontario Building Code and most current Region of Peel standards.
- All our Design criteria, standards, specifications, procedures and report and submission requirements are found on-line at <https://www.peelregion.ca/public-works/design-standards/#procedures>
- Please refer and adhere to the Regional by-laws that are applicable to your proposal, such as but not limited to the Water, Wastewater and Backflow Prevention by-laws <https://www.peelregion.ca/council/bylaws/archive.asp>
- Please refer to the Latest Fees By-law. Fees may be subject to change on annual basis pending Council approval.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner