

City of Mississauga Department Comments

Date Finalized: 2023-10-11	File(s): A381.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-19 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 permit the construction of a new dwelling proposing:

1. A front yard setback (measured to the front eaves) of 5.78m (approx. 18.96ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A lot coverage of 40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
3. A side yard setback measured to the second floor of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A side yard setback to the first floor eave overhang of 0.59m (approx. 1.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
5. A side yard setback to the second floor eave overhang of 0.69m (approx. 2.26ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
6. A flat roof height of 8.51m (approx. 27.92ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
7. A height to the underside of eaves of 7.54m (approx. 24.74ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance;
8. A gross floor area of 323.20sq m (approx. 3478.90sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 315.84sq m (approx. 3399.67sq ft) in this instance; and,
9. A combined side yard (measured to the eaves) of 1.44m (approx. 4.72ft) whereas By-

law 0225-2007, as amended, requires a minimum combined side yard of 3.60m (approx. 11.81ft) in this instance.

Background

Property Address: 963 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: PREAPP 22-2471

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 two-storey detached dwelling requiring variances for setbacks to the dwelling and eaves, lot coverage, flat roof height, eave height, gross floor area and combined width of side yards.



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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This 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 proposal respects the designated and surrounding land uses. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variances #1 requests a reduced front yard measured to the eaves. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff note that no variance is required for the front wall of the dwelling and that the dwelling's main walls meet the minimum front yard requirements. It is staff's opinion that since the reduction is measured only to the eaves and no variance is requested for eave projection, the proposal does not present massing concerns and maintains the character of the neighbourhood. Planning staff are of the

opinion that the proposed reduction is minor in nature and that the dwelling's eaves do not add to the dwellings massing in this instance, therefore the impact to the streetscape is negligible.

Variance #3, #4, #5 and #9 pertain to side yard setbacks measured to eaves and dwelling's second storey, and, combined side yard width measured to the dwelling's eaves. The general intent of the side yard regulations are to ensure that an adequate buffer exists between the massing of structures on abutting properties. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Furthermore, the proposed side yards are not out of character within the immediate neighbourhood and maintain a sufficient buffer to the neighbouring properties. Additionally, staff note that the main first storey walls of the dwelling maintain the required setbacks. Therefore, it is staff's opinion that in this instance an appropriate buffer is maintained.

Variance #2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. In this instance the proposed dwelling's footprint represents less than 30% (29.16%) of the total lot coverage. Therefore, staff are of the opinion that the variance is required to accommodate a front porch, rear deck, balcony, floor projections as well as eaves greater than 0.45m (1.47ft) in size,. It is staff's opinion that these elements are primarily open structures which do not create the same massing impact as compared to an enclosed structure. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #6 requests an increase in flat roof height and variance #7 pertains to an increase in eaves height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. The intent of regulating the flat roof height is also to prevent a third storey as of right due to a combination of maximum permitted height and its architectural style. The intent of restricting height to eaves is to lessen the visual massing of dwelling, by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. The proposed dwelling is only 2 storeys in height, and staff note that the flat roof height is measured to a very small portion of a feature wall measuring 0.49m (1.60ft) at the rear of the dwelling. The majority of the roof structure is 8.02m (26.31ft) high. Staff note the Average Grade is located below grade for the majority of the dwelling, with a discrepancy of up to 1.09m (3.57ft) between average and established grade. Therefore, when viewing the dwelling from the streetscape, the dwelling will appear 1.09m (3.57ft) shorter than the value contained in the variance. As such, staff are of the opinion that the proposed height maintains compatibility with detached dwellings found within the surrounding area and would not negatively impact the character streetscape. Further, the dwelling is designed in a way to break up the main walls and the discrepancy in average and established grade mitigates any negative impacts of the eaves. It is staff's opinion that the proposed eave height does not pose any massing concerns in this instance.

Variance #8 requests an increase in the Gross Floor Area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the proposal represents a minor increase of +/-7.36m² (+/-79.23 ft²) to the permissions of the by-law. Staff are satisfied that the proposal appropriately balances both the existing and planned

built form and character of the neighbourhood. Furthermore the dwelling is designed with broken up main walls, limiting the impacts of the dwelling's massing.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. The variances, both individually and cumulatively, are minor in nature as the proposal 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

The Building Department is currently processing an application under file PREAPP 22-2471. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Alana Zheng, Planner Zoning Examination

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 to the rear of 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 measure(s):

- 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-23-381M / 963 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 will 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
- 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
- For location of existing water and sanitary sewer Infrastructure please contact Records at (905) 791-7800 x7882 or by e-mail at PWServiceRequests@peelregion.ca
- 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.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). 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 the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (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 natural hazards in Peel. We, therefore, request that City staff

consider comments from the CVC and incorporate their 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: Ayooluwa Ayoola, Junior Planner

Appendix 5- CVC

Re: City File No. A381.23

CVC File No. A 23/281

David Lee and Huong Thi Ngoc Tran

963 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 regulated for floodplain and erosion hazards associated with the adjacent Cooksville Creek. As such, the property is regulated by CVC and 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 requests the Committee to approve a minor variance to permit the construction of a new dwelling proposing:

1. A front yard setback (measured to the front eaves) of 5.78m (approx. 18.96ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
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COMMENTS:

CVC staff have reviewed the provided information. We note that we have reviewed the proposal through a CVC permit review and have issued a permit for the proposed works (FF 22/118). As such, CVC staff have **no concerns** and **no objection** to the approval of the minor variance by the Committee at this time.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x 236).

Comments Prepared by: Elizabeth Paudel, Planner