

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A423.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 an addition proposing:

1. A rear yard setback to the Greenlands Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum setback to the Greenlands Zone of 5.00m (approx. 16.40ft) in this instance;
2. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance;
3. A front yard setback to the dwelling of 5.39m (approx. 17.68ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
4. A setback to the front porch of 3.89m (approx. 12.76ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;
5. A driveway width of 8.778m (approx. 28.80ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
6. An accessory structure (pergola) area of 26.76sq m (approx. 288.07sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance; and,
7. A total area occupied by accessory structures of 32.59sq m (approx. 350.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum total accessory structures area of 30.00sq m (approx. 322.92sq ft) in this instance.

Background

Property Address: 187 Wyndham Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R3- Residential and G1- Greenland

Other Applications: SPM 21-19

Site and Area Context

The subject property is located north-east of the Main Street and Church Street intersection in Streetsville. It currently contains a two-storey detached dwelling with an attached garage. The property has a lot frontage of +/- 30.6m (100.39ft) and a lot area of +/- 731.37m² (7,872.40ft²). Limited vegetation and landscaping elements are present on the subject property. The surrounding context consists exclusively of residential uses, specifically detached dwellings on lots of varying sizes. There is also apartment building to the south of the subject property and the Credit River abuts the property to the east.

The applicant is proposing to construct numerous additions to the existing dwelling requiring variances for both rear and front yard setbacks, number of kitchens and driveway width. In addition, there is an existing accessory structure requiring variances for floor area.



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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. 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. Staff are satisfied that the proposed additions are compatible with the surrounding context and is appropriate given the existing site conditions. Staff are therefore of the opinion 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?

Variance 1 requests a reduced rear yard to the G1 zone. The intent of requiring a setback to a G1 zone is to ensure an appropriate buffer to a natural feature is maintained. Staff note that the proposed 0 metre setback represents an existing condition and that the Credit Valley Conservation Authority has raised no objections to the request. The City relies on the expertise of the Credit Valley Conservation Authority on matters relating to natural features and are in agreement with their position.

Variance 2 requests an additional kitchen within the dwelling. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of second unit policies as well as new provincial legislation regulating three dwelling units as of right, additional kitchens are minor in nature. The second kitchen is an existing condition in the dwelling and is located in the basement. The basement also includes an additional laundry room and washroom with numerous separate entrances along the rear dwelling wall. The existing kitchen can function as if there were a second unit in the dwelling. The kitchen does not impact the streetscape, adjacent properties or the neighbourhood.

Variances 3 and 4 pertains to a reduced front yard setback to the dwelling and front porch. 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. The proposed additions at the front are generally in line with abutting properties, and, in the opinion of staff, maintain an appropriate front yard space.

Variance 5 requests an increase to the driveway width. The intent of the driveway width regulations is to permit a driveway large enough to suitably accommodate the required number

of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. While staff are not in a position to interpret the zoning by-law, staff note that the frontage of the subject property is 30.6m (100.39ft). On lots having a lot frontage of 18m or greater, a driveway is permitted to have a maximum width of 8.5m (27.88ft). The maximum driveway width may be increased to 10.5m for the portion of the driveway that is within 6m (19.68ft) of the garage face and which is providing direct vehicular access to the garage. Based on these regulations, staff note the driveway is only seeking a 0.27m (0.88ft) increase in width beyond what is permitted as of right in the zoning by-law. The proposal maintains significant soft landscaping (68%) in the front yard and represents a desirable driveway layout.

Variances 6 and 7 request an increase in accessory structure area and an increased combined accessory structure area. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. While the proposed accessory structure is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding the structure and the significant change in grade on the subject property in the rear yard drastically reduces its massing impact. Staff also note that three legally sized accessory structures placed side by side in the same location on the property would have a similar massing impact as the proposal. Regarding the combined floor area of the accessory structures, staff find the request is minor in nature and that the additional floor area creates limited impact. No additional variances for setbacks or height have been requested, further limiting any potential impacts to abutting properties.

Given the above, it is the opinion of planning staff that the application maintains 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?

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands given existing site conditions and constraints. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note a number of Transportation and Works Department concerns/requirements for this property such as the establishment of Top of Bank and gratuitous dedication to the City of Greenlands (G1), Geotechnical Reports, road widening's, etc. that have been addressed through Consent Application 'B' 5/20. In view of the above, we have no objections to Variances # 1,3,4,6 and 7.

In regards to Variance #5 to widened the driveway within the municipal boulevard (the area between the municipal curb and the property line), we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department processed a Site Plan application SPM 21-19. Based on review of the information available in this application, we advise that the following variance, as requested, is correct:

2. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance

We also 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 application submitted on 02/12/2021. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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 Timothy Street Park (P-127), 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. 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-law.

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, Parks Planning Assistant

Appendix 4 – Region of Peel

Minor Variance: A-23-423M / 187 Wyndham Street

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

Comments:

- There is a Regional sanitary sewer easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted.

Certain restrictions apply with respect to Regional easements as per the documents registered on title.

- 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: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5- CVC

Re: CVC File No. A23/423

Municipality File No. A423.23

Saad Suleman

187 Wyndham Street

Lot 4 Con 4 W

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 and slope hazard associated with a tributary of the Credit River. 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 rear yard setback to the Greenlands Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum setback to the Greenlands Zone of 5.00m (approx. 16.40ft) in this instance;
2. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance;
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5. A driveway width of 8.778m (approx. 28.80ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
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7. A total area occupied by accessory structures of 32.59sq m (approx. 350.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum total accessory structures area of 30.00sq m (approx. 322.92sq ft) in this instance.

CVC COMMENTS:

CVC staff have previously reviewed proposals on this property through Site Plan application SP 21/019 and Consent application B 20/005. Through our reviews of these applications, we provided direction on the natural hazards applicable to the property. While we have no concerns in principle with the proposed minor variances, we require further information to

confirm that the proposed additions and accessory structures will be setback sufficiently from the slope and flood hazards to meet CVC's regulatory policies.

As such, the flood and slope hazards should be appropriately shown on the plans with the setbacks clearly identified and labelled. The plan should be updated to delineate:

1. The top of bank as staked by CVC;
2. The long term stable slope line (LTSSL) as per the previously completed geotechnical report (Terraprobe, November 15, 2019);
3. Regulatory floodline elevation of 149.95m (with reference to the site-specific survey);
4. The distance from the proposed structures to the top of bank (TOB)/LTSSL at the closest point, and perpendicular to the TOB/LTSSL. Please note that CVC staff typically require a 6m minimum setback from the long term stable slope line (LTSSL) for accessory structures, including any grading works. If the required setbacks can not be achieved, please provide reasonable justification.

Please colour code these lines as required for clarity.

As part of a future CVC permit application, we will require:

1. Site and Grading Plan delineating the natural hazards (i.e., top of bank, long term stable slope line, floodplain) and the setbacks
2. Erosion and Sediment Control Plans

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