

City of Mississauga Department Comments

Date Finalized: 2023-11-22	File(s): A452.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

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

1. A flat roof height of 10.37m (approx. 34.02ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
2. A building height of 10.37m (approx. 34.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
3. An underside of eaves height of 8.46m (approx. 27.76ft) whereas By-law 0225-2007, as amended, permits a maximum underside of eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A front yard setback of 2.41m (approx. 7.91ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
5. A side yard setback on the west side of 1.26m (approx. 4.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.42m (approx. 7.94ft) in this instance;
6. A side yard setback on the east side of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.42m (approx. 7.94ft) in this instance;
7. A setback to the front porch stairs of 1.15m (approx. 3.77ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;
8. An encroachment for the front porch stair and column of 6.37m (approx. 20.90ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.61m (approx. 2.00ft) in this instance;
9. A front eave encroachment of 5.15m (approx. 16.90ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;
10. A front eave setback of 2.37m (approx. 7.78ft) whereas By-law 0225-2007, as amended, permits a maximum of 7.50m (approx. 24.61ft) if greater than 0.45m in this instance;

11. A setback to the eave of 0.89m (approx. 2.92ft) on the east side whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.97m (approx. 6.46ft) in this instance;
12. A setback to the eave of 0.90m (approx. 2.95ft) on the west side whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.97m (approx. 6.46ft) in this instance;
13. A setback to the garage face of 3.54m (approx. 11.61ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
14. An existing accessory structure with an area of 35.74sq m (approx. 384.70sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied by an accessory structure of 20.00sq m (approx. 21.53sq ft) in this instance; and,
15. An existing accessory structure with a side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

On November 22nd, 2023, the applicant requested revisions to variances #1 and 3 as follows.

Planning staff note that variance #2 is not required or correct.

1. A flat roof height of 9.67m (approx. 31.73ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
3. An underside of eaves height of 7.71m (approx. 25.3ft) whereas By-law 0225-2007, as amended, permits a maximum underside of eaves height of 6.40m (approx. 21.00ft) in this instance;

Background

Property Address: 913 Beechwood Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Greenland and 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 two-storey detached dwelling with vegetation in the front yard.

The applicant proposes a new two-storey detached dwelling requiring variances for heights and 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 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, 2 and 3 are related to height. The application pertains to a proposed flat roof dwelling, however Variance #2 seeks relief from the by-law's sloped roof regulations. Upon review, it is determined that Variance #2 is not required.

Planning staff identified concerns regarding Variances #1 and 3. In response to these concerns, the applicant has revised the proposal by reducing both the flat roof and eave heights. The flat roof height has been adjusted from 10.27m (33.7ft) to 9.67m (31.7ft), reflecting a total reduction of 0.6m (2ft). Similarly, the eave height has been decreased from 8.46m (27.76ft) to 7.71m (25.3ft), a total reduction of 0.75m (2.46ft).

While Planning staff acknowledges the numerical value of the height variances may seem excessive, the visual impact from the street is mitigated. Staff note a 0.63m (2.07ft) grade discrepancy between the elevation at which a majority of the dwelling sits and the street. The street sits 0.63m (2.07ft) higher, therefore, the flat roof height appears as 9.04m (29.6ft), and the eave height appears as 7.08m (23.3ft). Planning staff typically does not support flat roof heights of this magnitude, however, the proposed dwelling meets the intent of the flat roof height regulation, as it presents as two-storeys from the street and contains a mansard roof, which is perceived to have a reduced massing impact compared to a traditional flat-roofed dwelling.

Variances #4, 7, 8, 9, 10, and 13 are for front yard setbacks. Planning staff observes that the proposed setbacks align with those found in the immediate area. The presence of a large municipal boulevard further contributes to the perception that the dwelling is set back appropriately. In light of these considerations, staff supports these variances.

Variances #11 and 12 pertain to interior side yard setbacks to the eaves. It's important to note that these variances do not apply to the dwelling's side walls but only to the eaves, which have a minimal impact on the dwelling's massing. As such, staff recognizes that these variances are minor.

Variances #14 and 15 are to accommodate an existing accessory structure. Notably, only one accessory structure exists on the subject property, and the proposed area does not exceed the permitted combined accessory structure area of 60m² (645.8ft²). Planning staff raises no concerns in this regard. Additionally, with regard to the proposed reduced side yard setback, staff is of the opinion that it will create an appropriate buffer to the interior lot line and allow for sufficient space for maintenance purposes.

Planning staff are satisfied that the amended variances meet 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?

It is staff's opinion that the proposed development is sympathetic to the surrounding area. As such, it is staff's opinion that the proposed development is appropriate and represents a sensitive form of intensification that is minor in 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 and existing accessory structure 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.

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Comments Prepared by: Minan Song, Planner in Training

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 Credit Valley Conservation Authority, leased 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.

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 Assistant

Appendix 4- Region of Peel

Minor Variance: A-23-452M / 913 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 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 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 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.
- 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5- CVC

Re: CVC File No. A23/452
Municipality File No. A452.23
Archie Iacobucci
913 Beechwood Ave
Lot 12 Con 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 subject property is regulated due flood hazard associated with Cooksville Creek. 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 flat roof height of 10.37m (approx. 34.02ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
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15. An existing accessory structure with a side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC staff recommends deferral of the minor variance application. The current proposal is under CVC technical review and we believe that our permitting requirements may result in the need for changes to the minor variances proposed at this time.

CVC staff will be following up directly with the applicant to provide further comments and direction in regards to the proposal.

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