

# City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A23.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## 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 38.86% (303.14sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (273.01sq m) in this instance;
2. A height to the highest ridge of 10.02m (approx. 32.87ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. An eave height of 7.93m (approx. 26.02ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,
4. A front yard setback to the porch (including stairs) of 4.84m (approx. 15.88ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance.

## Background

**Property Address:** 695 Montbeck Cres

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75- Residential

**Other Applications: BP 9NEW 23-9494****Site and Area Context**

The subject property is located within the Lakeview Neighbourhood, south east of the Aviation Road and Lakeshore Road West intersection. The immediate neighbourhood is entirely residential consisting of one, two and three-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property is larger than other neighbouring lots and contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to demolish the existing one-storey dwelling in order to construct a new two-storey detached dwelling. The proposal requires variances for lot coverage, height, eaves height and front yard setback to a covered porch.

**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 II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Section 8.4.2 of the Lakeview Neighbourhood Character policies note that 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 with respect to overshadowing and overlook. The proposed detached dwelling respects the designated land use and will not negatively impact the character streetscape. Staff are 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 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. Staff note that the dwelling's footprint represents 34.73% of the total lot coverage in this instance, which under the maximum permissible lot coverage of 35%. The front and rear porches and the excessive eaves add an additional 4.13% to the proposed lot coverage. Staff are of the opinion that these elements present negligible massing concerns. Staff are satisfied that the requested increase in the overall lot coverage represents a minor deviation from the zoning by-law requirements.

Variance #2 and #3 relate to the height of the structure. Variance #2 is to permit an increase in height to the highest ridge, and Variance #3 is to permit an increase in height to the eaves. The intent of restricting height to the highest ridge and 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 keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increases in height are appropriate for the subject property and note that for portions of the property the average grade is below the finished grade, reducing the appearance of the overall height of the structure. Further, staff are of the opinion that incorporation of architectural features in the dwelling design mitigates any massing impacts.

Variance #4 pertains to front yard setback measured to a covered 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. Staff note that the dwelling itself meets the required setbacks and that the proposed porch is primarily an open structure, mitigating potential negative impacts. Staff are of the opinion that the proposed porch is appropriately sized and does not create a significant impact to the streetscape. Furthermore, Planning staff are satisfied that the proposed reduction maintains similar front porch setbacks found in the immediate area. Finally the proposal maintains ample soft landscaping in the front yard. Staff are therefore satisfied that the general intent and purpose of the zoning by-law are maintained.

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?**

---

Staff are satisfied that the application is minor in nature and that any potential impacts on abutting properties, as a result of the increased height, are mitigated due to the grading of the subject property. Staff are also of the opinion that 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: 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 dwelling are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/9494.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9494. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. 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: Maria Fernandez, Zoning Examiner

### **Appendix 3 – Region of Peel**

#### **Minor Variance: A-24-023M / 695 Montbeck Crescent**

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](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

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 4- CVC**

Although our online mapping indicates that the subject site at 695 Montbeck Cres in Mississauga is regulated by CVC, we have had a chance to review and the subject property is not located within CVC's Regulated Area. As such, a CVC permit is not required for development on this property and we do not need to review and comment on the proposed Minor Variance application.

If you have any questions regarding the above, please let me know.

Comments Prepared by: Stuti Bhatt, Junior Planner