

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A68.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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 allow the construction of a new house proposing:

1. A lot coverage of 39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
2. An eaves height of 7.70m (approx. 25.26ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. An interior side yard setback (measured to the second floor) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. An interior side yard setback to the eave overhang of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
5. An exterior side yard setback of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
6. An exterior side yard setback measured to the eave overhang of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.55m (approx. 18.21ft) in this instance;
7. A lot area of 608.00sq m (approx. 6544.46sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance; and,
8. A lot frontage of 18.10m (approx. 59.38ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

Background

Property Address: 1167 Strathy Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

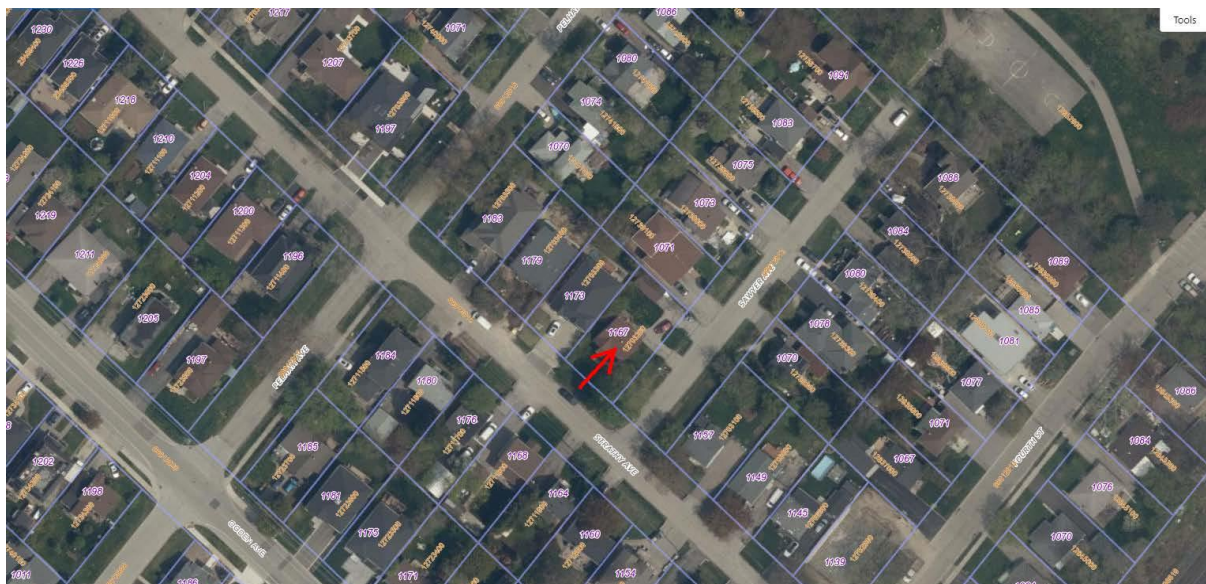
Zoning: R3-75- Residential

Other Applications: None

Site and Area Context

The subject properties are located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Atwater Avenue. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings. The subject property contains a one and a half-storey detached dwelling.

The applicant proposes a new two-storey detached dwelling requiring variances for lot coverage, eaves height, side yard setbacks, lot area and lot frontage.



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:

Staff note a previous proposal to sever the subject property to facilitate two semi-detached dwellings was refused by the Committee of Adjustment on May 11, 2023. The decision was appealed by the applicant to the Ontario Land Tribunal wherein the appeal was dismissed. Staff has worked with the applicant for the revised proposal to facilitate a new 2 storey detached dwelling.

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 II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. 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 of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. 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?

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. In this instance the proposed dwelling's footprint represents 32.5% of the total lot coverage, which is within the maximum permissible by-law regulations. Therefore, staff are of the opinion that the variance is only required to accommodate a front porch, eaves and a covered deck. The covered deck represents 5.4% of the lot coverage, while the porch and eaves represent 1.97% of the lot coverage. 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 #2 is to permit an increase in height to the eaves. The intent of restricting height to the 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 increase in height is appropriate for the subject property and note that no overall height variance is required. Further, staff are of the

opinion that incorporation of architectural features like windows and staggered walls with different materials in the dwelling design mitigate any massing impacts.

Variance #3 and #4 pertain to interior side yard setbacks measured to the second storey and the eaves respectively. Variance #5 and #6 request reduction in the exterior side yard setbacks measured to the dwelling and the 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 and the public realm. Staff note that the first storey meets the required interior side yard setback and the applicant is proposing to align the second storey on top of the first storey. Through a review, planning staff are satisfied that the proposed side yards are not out of character within the immediate neighbourhood and maintain a sufficient buffer to the neighbouring properties and to the public realm. It is staff's opinion that in this instance an appropriate buffer is maintained.

Variance #7 and #8 pertain to lot area and lot frontage. Staff note the lot already exists and the variances are to legalise the existing lot and staff have no concerns.

Given the above, Staff are satisfied that the 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?

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. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area. Further, staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties.

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

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.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

A68.24 - 1167 Strathy Avenue

City Department and Agency Comments	File:A68.24	2024/02/07	7
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Metrolinx is in receipt of the Minor Variance application for 1167 Strathy Ave to facilitate the construction of a new 2-storey detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

Appendix 4 – Region of Peel

Minor Variance: A-24-068M - 1167 Strathy Avenue

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.
- 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.
- 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

Although the property appears to be regulated based on our mapping, I can confirm we have updated information and that it is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC will not be providing comments on the application.

Comments Prepared by: Stuti Bhatt, Junior Planner