

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A88.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 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 28.79% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A gross floor area of 297.61sq m (approx. 3203.45sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 273.82sq m (approx. 2947.37sq ft) in this instance;
3. A setback of rear steps from the G1 Zone boundary of 4.33m (approx. 14.21ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 7 Pioneer Drive

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

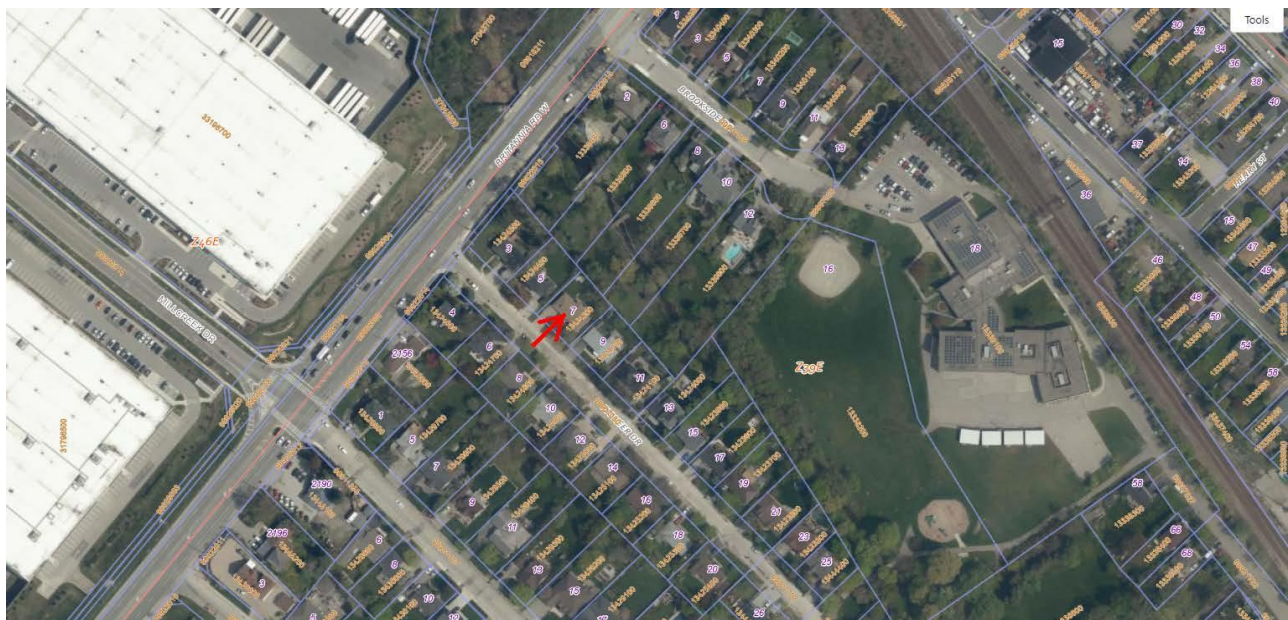
Zoning: R2-50- Residential, G1- Greenland

Other Applications: Building permit under file BP 9NEW 23-10612.

Site and Area Context

The subject property is located within the Streetsville Neighbourhood Character Area, southwest of Britannia Road West and Queen Street South intersection. The immediate neighbourhood is entirely residential, consisting of one and two storey new and old detached dwellings with vegetation. The subject property contains an existing one storey dwelling with mature vegetation.

The applicant is proposing a new two storey dwelling, requiring variances related to gross floor area, lot coverage and rear yard setback measured to G1 zone.



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 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. It is staff's opinion that the proposed detached dwelling respects the designation and surrounding land use. Further, the proposal is consistent with the surrounding two-storey detached dwellings. Staff are satisfied that these variances maintain the general intent and purpose of the official plan.

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. The lot has two zones – R2-50 and G1 – with a total combined lot area of 741.98 m² (7986.60 ft²). According to the zoning by-law, for lots having two or more zones, the lot coverage is calculated for only that portion of the lot that is located within each specified zone. As a result, the lot coverage for the subject property is calculated based on a lot area of 619.1 m² (6663.93 ft²) within the R2-50 zone only. As a result, the portion of the property zoned G1, with an area of 122.88 m² (1322.66 ft²), does not qualify as lot area in the calculation for permitted lot coverage.

Staff note that the dwelling's footprint represents 22.89% of the combined lot area of the two zones. The lot coverage only exceeds the maximum permissible due to the split zoning of the property therefore making the variance a technical variance. Staff are of the opinion that the dwelling maintains the required lot coverage when considering the lot area as a whole. Staff are satisfied that the requested increase in the overall lot coverage does not represent overdevelopment of the lot.

Variance #2 requests an increase in the gross floor area. 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 note no variance has been requested for overall height of the dwelling, mitigating massing impacts. Staff are of the opinion that the requested increase is a minor deviation from the permissible by-law regulations. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts to both abutting properties and the streetscape.

Variance #3 pertains to rear yard setback measured to G1 zone boundary. The intent of this portion of the by-law is to ensure that there is an appropriate buffer to the natural feature. Staff note that the proposed setback is measured to steps attached to the deck in the rear yard and the dwelling itself exceeds the minimum setback requirement. Furthermore, the Credit Valley Conservation Authority has raised no objections to the proposal. 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. Staff are therefore satisfied that the proposed setback is appropriate in this instance.

Given the above, Planning staff are satisfied that the general 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 application is minor in nature and represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively,

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 new dwelling will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9NEW 23-10612. Based on review of the information currently available in this permit application, the variances, as requested are correct. Staff had asked for additional information to be provided, should more noncompliance be found once this information is provided further variances may be necessary.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Metrolinx

7 Pioneer Drive - A88.24

Metrolinx is in receipt of the Minor Variance application for 7 Pioneer Dr to facilitate the construction of a new 2-storey house. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

Minor Variance: A-24-088M / 7 Pioneer Dr

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.

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. A24/088
Municipality File No. A88.24
7 Pioneer Drive
Lot 5 Con 5 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 erosion (meander belt) hazard associated with Mullet 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 lot coverage of 28.79% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A gross floor area of 297.61sq m (approx. 3203.45sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 273.82sq m (approx. 2947.37sq ft) in this instance;
3. A setback of rear steps from the G1 Zone boundary of 4.33m (approx. 14.21ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

COMMENTS:

Based on the information provided, CVC has no concern and no objection to the approval of the minor variance at this time. CVC has reviewed and provided comments for the proposed works as part of CVC application FF23/299.

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