

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A452.23
To: Committee of Adjustment	Ward: 1
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 flat roof height of 9.65m (approx. 31.66ft) 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 9.65m (approx. 31.66ft) 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 7.69m (approx. 25.22ft) 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.

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, setbacks, encroachments and accessory structure area 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:

The applicant requested deferral of the application on November 30, 2023, to discuss options with staff to reduce the height of the proposed dwelling. As a result of these discussions, the applicant has reduced the proposed flat roof height from 10.37m (34.02ft) to 9.65m (approx. 31.66ft) and eave height from 8.46m (approx. 27.76ft) to 7.69m (approx. 25.22ft).

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 10.37m (34.02ft) to 9.65m (31.66ft) reflecting a total reduction of 0.72m (2.36ft). Similarly, the eave height has been decreased from 8.46m (27.76ft) to 7.69m (25.22ft) reflecting a total reduction of 0.77m (2.53ft).

While Planning staff acknowledge the numerical value of the height variances may seem excessive, the visual impact from the street is mitigated. Staff note a 0.54m (1.77ft) grade discrepancy between average grade and the street grade. The street sits 0.54m (1.77ft) higher than the finished grade giving flat roof height appearance of 9.11m (29.89ft), and an eave height appearance of 7.15m (23.45ft). 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. The proposed dwelling presents its self as a two-storey dwelling from the street and contains a mansard roof, which is perceived to have a reduced massing impact compared to a traditional flat-roofed dwelling. I assume the majority of the roof is flat?

Variances #4, 7, 8, 9, 10, and 13 are for front yard setbacks. Planning staff observe 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 are of the opinion that it would 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 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 – 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 measure(s):

- 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.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. 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-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5 – CVC

COMMENTS:

Based on the review of the revised drawings submitted on February 5, 2024, CVC has no objection with the approval of the minor variances proposed at this time.

The applicant is to note that this does not mean approval of the plans as the development will still require CVC permit and we will still require further details of the development (eg. detailed plans and structural engineer sign off etc.) to ensure it meets CVC's floodproofing requirements. The applicant has been in correspondence with CVC and we except all further requirements identified will be addressed during CVC's permitting process.

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