

# City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A213.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 1:00:00 PM

## Consolidated Recommendation

The City recommends no objection 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 front yard setback of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
2. A lot coverage of 27.13% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance;
3. A window well encroachment into a required side yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment into a required side yard of 0.61m (approx. 2.00ft) in this instance; and
4. A height of pool decking in the rear yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, permits a maximum height of pool decking in the rear yard of 0.30m (approx. 0.98ft) in this instance.

## Background

**Property Address:** 340 Isabella Ave

### Mississauga Official Plan

Character Area: **Cooksville Neighbourhood**  
Designation: **Residential Low Density I**

### Zoning By-law 0225-2007

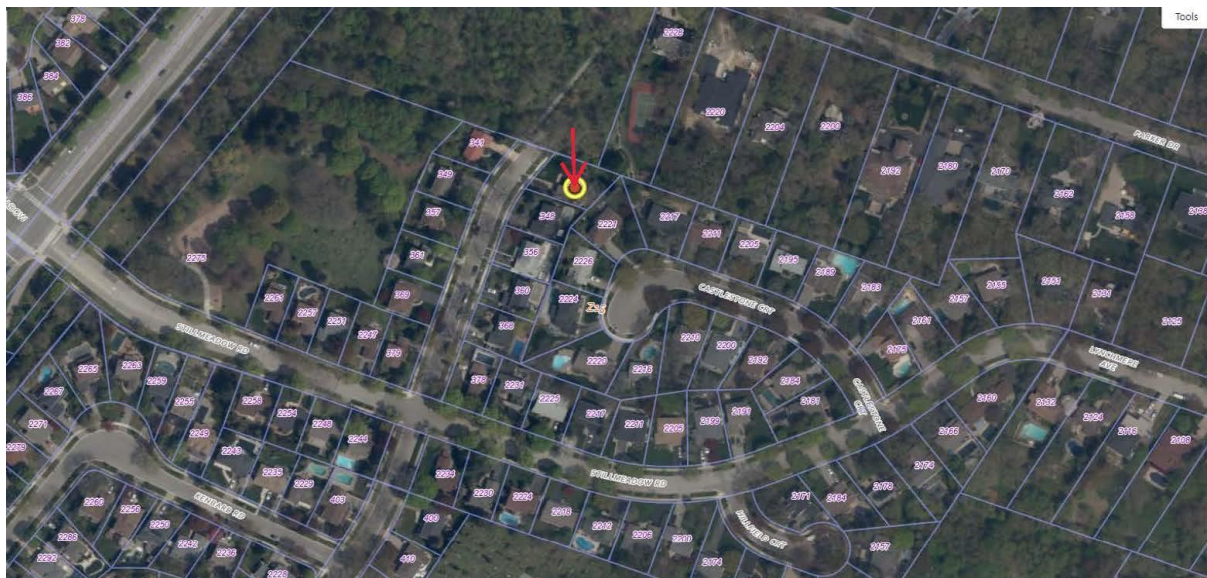
**Zoning:** R1 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-east of the Queensway West and Stillmeadow Road intersection. The lot currently contains a single detached dwelling and has a lot frontage of +/- 24.82m (81.43ft) and a lot area of +/- 899.70m<sup>2</sup> (9,684.29ft<sup>2</sup>). Mature vegetation is present throughout the property. The surrounding area context consists exclusively of detached dwellings on lots of varying sizes.

The applicant is proposing a new dwelling requiring variances for front yard setback, lot coverage, window well encroachment and height of pool decking.



## 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 within the Cooksville Neighbourhood Character Area and is designated Residential Low Density I by the Mississauga Official Plan (MOP). Section 9 of the 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. Staff are of the opinion that the proposal represents compatible development that is in line with the planned character of the area and meets 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 a reduced front yard setback measured to the dwelling. 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 the neighbourhoods. Staff note that the front yard property line is diagonal to the right of way due to the curve of Isabella Road thus resulting in this technical variance. The front yard setback is taken from the most restrictive point on the subject property, measuring 7.5m (24.60ft), due to the pinch point created by the angle of the front lot line. Furthermore, staff note that the proposed dwelling generally reflects the established built line within the neighbourhood thereby maintaining a consistent character along the streetscape. Planning staff are of the opinion the proposed dwelling's setback is appropriate due to the orientation of the subject property and will not have significant impacts to the streetscape.

Variance 2 represents an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that would impact the streetscape as well as abutting properties. The dwelling accounts for 25.69% of the lot coverage while the front porch and rear deck account for the remaining 1.44%. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings.

Variance 3 requests an increased window well encroachment. The intent of this portion of the by-law is to ensure an appropriate buffer between these elements and lot lines. Staff note that there is an adequate width maintained between the lot line and window well to allow for a drainage swale and rear yards access.

Variance 4 requests an increased height of the proposed retaining wall in the rear yard. Staff note the retaining wall maintains the 1m (3.28ft) height along the rear lot line. Staff are satisfied that the 1m high retaining wall is appropriately located in the rear yard and is sufficiently screened by the hedge along the rear lot line, thereby ensuring there are no significant impacts to the abutting properties.

### **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. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned and existing character of the area.

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns or requirements for the proposed new dwelling will be addressed through the Building Permit process.







Comments Prepared by: Tony Iacobucci

## **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, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

### **Park Planning**

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 City of Mississauga, identified as Stillmeadow Park (P-082) and zoned OS1 – Open Space – Community Park.

In addition, 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, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

### **Forestry**

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email [rita.dimichele@mississauga.ca](mailto:rita.dimichele@mississauga.ca).

Comments Prepared by: Rita Di Michele, By-law Inspector,

## Appendix 4- Region of Peel

### Minor Variance Application: A-24-213M / 340 Isabella 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](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).

Planning: Petrele Francois (905) 791-7800 x3356

#### Comments:

- A portion of the subject lands is located in the regulated area of the CA. We rely on the environmental expertise of the CA 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 City staff consider comments from the CA and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CA.

Comments Prepared by: Petrele Francois, Junior Planner

## Appendix 5- CVC

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 to its proximity to watercourse located at the rear of the property (Kenolli 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 house proposing:

1. A front yard setback of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
2. A lot coverage of 27.13% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance;
3. A window well encroachment into a required side yard of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment into a required side yard of 0.61m (approx. 2.00ft) in this instance; and
4. A height of pool decking in the rear yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, permits a maximum height of pool decking in the rear yard of 0.30m (approx. 0.98ft) in this instance.

**COMMENTS:**

Based on the review of the information provided, the minor variances proposed do not impact the natural hazards of interest to CVC. As such, CVC has no objection to the approval of the minor variances proposed at this time.

However, the applicant is to note that a portion of the property in the rear is regulated by CVC and a CVC permit is required for the proposed development. Please contact CVC for further information on CVC's permitting requirements.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at [stuti.bhatt@cvc.ca](mailto: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