

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-14	File(s): A326/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-22

## Consolidated Recommendation

The City does not object to the requested variances. However, the applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A lot coverage of 31.51% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance;
2. A dwelling depth of 34.47m (approx. 113.09ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. A height of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, permits a maximum height of 10.00m (approx. 32.81ft) in this instance;
4. A height measured to the eaves of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance;
6. A garage area of 131.47sq.m (approx. 1,415.13sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance; and
7. A garage projection of 8.22m (approx. 26.97ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance.

## Background

**Property Address:** 96 Cumberland Drive

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**Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R15-9 (Residential)

**Other Applications**

Pre-Application: 20-1616

**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, southeast of Hurontario Street and Lakeshore Road East. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. Further north of the subject property are commercial uses along Lakeshore Road East. The subject property is a water lot and contains an existing one storey dwelling with little mature vegetation.

The application proposes a new two storey dwelling, requiring variances related to lot coverage, height, dwelling depth, garage area and projection.



## 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 I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the South Residential (Hiawatha) precinct. As per Section 10.3 of the Port Credit Local Area Plan, development is to be sensitive to the existing low rise context and to reinforce the planned character of the area. The proposed dwelling maintains the existing and planned neighbourhood context as a majority of the increased dwelling depth and the entirety of the garage projection is below grade. As such, the dwelling would not have any significant massing impacts to neighbouring properties and is similar to newer two storey dwellings. It should be noted that the neighbouring properties contain dwellings with depths similar to the proposed dwelling above grade, lessening the massing

impact of the proposed dwelling. Staff is of the opinion that the application maintains 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 proposes a lot coverage of 31.51% whereas a maximum of 30% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the excessive lot coverage is due to the proposed covered porches which make up approximately 4.90% of the total lot coverage. The dwelling itself has a lot coverage of 25.69%, maintaining by-law provisions. The front and rear covered porches are mostly open on all three sides, reducing the massing impact to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a dwelling depth of 34.47 m whereas a maximum of 20 m is permitted. The intent of the zoning provisions for dwelling depth is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, a majority of the increased dwelling depth is due to the garage projection of 8.22 m which is below grade and does not create any additional massing concerns to neighbouring properties. The ground floor of the dwelling maintains a depth of 24.29 m with the second storey maintaining a similar depth. The abutting properties contain an existing dwelling depth of approximately 26 m – 29 m, minimizing the impact of a long continuous wall of the proposed dwelling. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 and 4 propose an increased sloped roof height of 10.07 and eave height of 6.95 m. The variance states that a sloped roof height of 10 m is permitted; however, the zoning by-law permits a sloped roof height of 9.50 m. The maximum eave height of 6.40 m is correctly stated on the application. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of the dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thereby keeping the dwelling within a human scale. The dwelling is measured from average grade which is approximately 0.32 m below the established the grade. If the dwelling was measured from established grade, there would be a sloped roof height of 9.75 m and eave height of 6.63 m which represents minor deviations from the zoning by-law and do not present significant massing concerns to the streetscape character. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances propose a deficient front yard setback, increased garage area and projection. The intent of the zoning by-law is to maintain a consistent streetscape and also ensure the garage is not the dominant feature of the dwelling. In this instance the garage contains a car lift which would bring a vehicle to the below grade garage which accounts for 116.57 m<sup>2</sup> of the overall garage area. Furthermore, the front yard setback is measured to the garage projection which is below grade. Above grade, the dwelling maintains a front yard setback of 14.93 m, exceeding by-law requirements. As the garage projection is completely below grade, it does not represent a dominant visible feature of the dwelling nor does it create

any massing impacts to the character of the surrounding neighbourhood. Staff is of the opinion 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?**

The variances related to the garage and front yard setback do not pose any negative impacts to the character of the established streetscape as the projection and majority of the garage area are completely below grade which results in no additional massing impacts. The proposed dwelling depth is partly due to the garage projection which makes up the majority of the increased depth, however, the dwelling depth above grade is similar to abutting properties, minimizing the impact of the increased dwelling depth. The roofline of the dwelling contains a staggered front façade and varying eave heights, thereby mitigating the overall massing of the dwelling. Finally, measured from established grade, the increased dwelling height would not have any additional undue impact from what the by-law currently permits, and is reflective of the surrounding neighbourhood. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances. However, the applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, 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 additions will be addressed through the future Building Permit Application process.



Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a building permit application under file 20-1616. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Our comments are based on the plans received by Zoning staff on 2020/07/20 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit application process, these comments may no longer be valid.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

## **Appendix 5 – Region of Peel Comments**

### Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

### Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the eastern portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner