

# City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A302.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## 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 41.02% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. An eave height of 6.44m (approx. 21.13ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
3. A dwelling depth of 22.00m (approx. 72.18ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. An accessory structure area of 57.50sq m (approx. 618.93sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
5. An accessory structure height of highest ridge of 4.48m (approx. 14.70ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of highest ridge of 3.50m (approx. 11.48ft) in this instance;
6. An accessory structure lot coverage of 6.99% whereas By-law 0225-2007, as amended, permits a maximum accessory structure lot coverage of 5.00% in this instance.

## Background

**Property Address:** 48 Oakwood Ave S

**Mississauga Official Plan**

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

### Zoning By-law 0225-2007

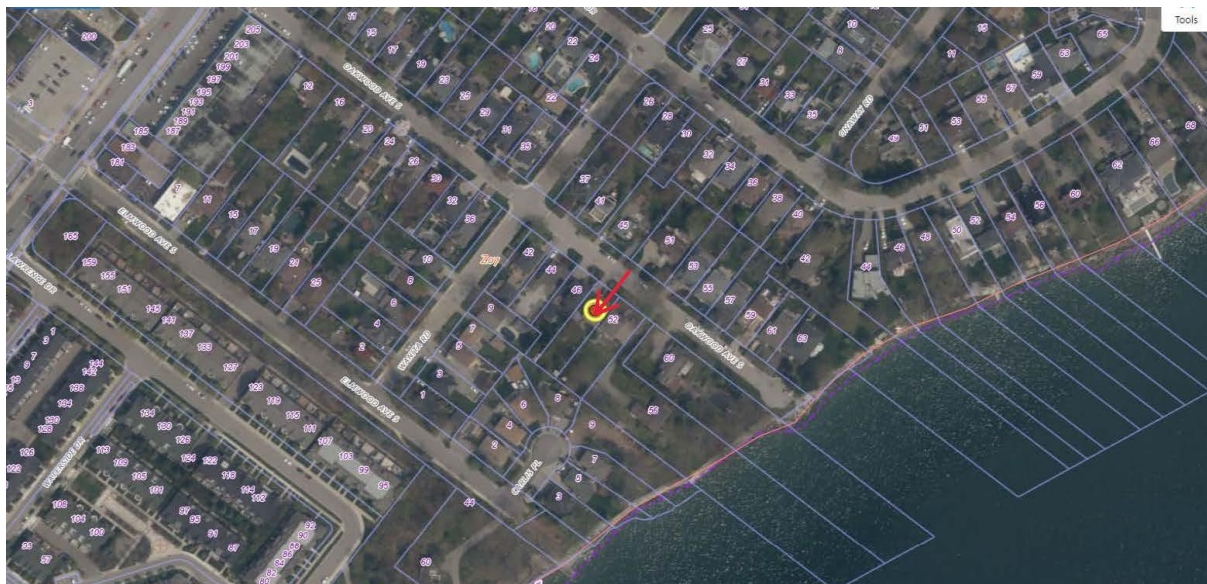
Zoning: R15-8 - Residential

Other Applications: None

### Site and Area Context

The subject property is located southwest of the Lakeshore Road East and Cumberland Drive intersection in Port Credit. The surrounding area context is exclusively residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new detached dwelling and an accessory structure requesting variances for lot coverage, eave height, dwelling depth and accessory structure area, height and lot coverage.



## 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 Port Credit Neighbourhood (East) Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex 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. Planning staff note that the proposal maintains the permitted detached dwelling use and that the development is appropriate given existing site conditions and the surrounding context. Staff are therefore of the opinion 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 the total 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 dwelling itself represents a lot coverage of approximately 27.85% which is under the maximum permissible lot coverage of 40%. Staff note that the application requests an overall increase of 1.02% from the permissible regulation, which can be entirely attributed to elements like covered front and side entry, covered rear patio, and the pool cabana. Staff are of the opinion that these elements do not pose the same massing impacts as an enclosed structure. Staff are satisfied that the requested increase in the overall lot coverage represents a minor deviation from the zoning by-law requirements.

Variance #2 pertains to eave height. The intent in 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 of 0.04m (0.13ft) is exceedingly minor numerically and will be mitigated by the difference in average and finished grade. Staff are satisfied the increase will be unperceivable and that incorporation of architectural features like varying materials and windows in the dwelling design further mitigates any massing impacts.

Variance #3 requests an increase in the dwelling depth. The intent of the by-law is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. Staff are of the opinion that the increase can be attributed to a portion of the dwelling to incorporate the dining space. Further the portion of the dwelling that exceeds the dwelling depth regulation is one-storey in height and incorporates an uncovered balcony on the second storey, thereby breaking up the overall massing of the dwelling. Staff also note that the dwelling's side walls are broken up through the use of differing architectural features and materials. Staff are of the opinion that the request will not create any negative impacts on adjoining properties.

Variances #4, #5 and #6 all propose an increase in lot coverage, area and height related to the accessory structure. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and are clearly accessory, while not presenting any massing concerns to neighbouring lots. While the proposed accessory structure is notably larger than a single accessory structure permitted on this property, staff note that three legally sized accessory structures placed side by side at the same location on the property would have a similar massing impact as the proposal. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands and are satisfied that any massing impacts on abutting properties are minor in nature.

Staff note the proposed structure is single storey in height, and when combined with the design of the structure and its location in the rear yard, results in limited massing impacts to the abutting residential properties. The floor area of the proposed structure represents approximately 6.88% of the total lot area, approximately four times less than the size of the existing dwelling on the subject property (approx. 27.8% coverage).

Additionally, the variance for the height is requested to accommodate the design of the roof for a portion of the sloped roof facing the subject property. The portion facing the neighbour is lower in height and as such, staff are satisfied the structures will not present to their full height to the neighbouring properties. Further, no additional variances for setbacks have been requested further mitigating any potential impact.

Given the above, staff are of the opinion that the variances maintain 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?**

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the application proposes orderly development of the subject property.

Comments Prepared by: Shivani Chopra, Planning Associate

## 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 and cabana 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, Zoning Examiner

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

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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

#### **Appendix 4 – Region of Peel**

##### **Minor Variance: A-24-302M / 48 Oakwood Avenue South**

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).

Comments Prepared by: Petrele Francois, Junior Planner