

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A130.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act. 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 dwelling proposing:

1. A front yard setback to the house (second floor) of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the garage of 3.59m (approx. 11.77ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A front yard setback to eaves (second floor) 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;
4. A front porch encroachment of 3.45m (approx. 11.32ft) whereas By-law 0225-2007, as amended, permits a maximum front porch encroachment of 1.60m (approx. 5.25ft) in this instance;
5. A southern interior side yard setback to the second floor of 1.32m (approx. 4.33ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.93ft) to the second floor in this instance;
6. A southern side yard setback to the eaves of the second floor of 0.88m (approx. 2.89ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.93ft) to the second floor in this instance;
7. A northern interior side yard setback to the second floor of 1.28m (approx. 4.19ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

8. A northern side yard setback to the eaves of the second floor of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.93ft) to the second floor in this instance;
9. A garage depth of 5.21m (approx. 17.09ft) whereas By-law 0225-2007, as amended, requires a minimum garage depth of 6.00m (approx. 19.69ft) in this instance;
10. A lot coverage of 43.43% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
11. An eave height of 7.90m (approx. 25.92ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
12. A building height (sloped roof) of 9.85m (approx. 32.32ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
13. Basement bedrooms in the floodplain whereas By-law 0225-2007, as amended, does not allow bedrooms within the floodplain in this instance; and,
14. 1 parking space whereas By-law 0225-2007, as amended, requires a minimum of 2 parking spaces in this instance.

Background

Property Address: 957 Beechwood Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Greenlands; 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 one-storey detached dwelling with vegetation in the front yard.

The applicant proposes a new two-storey detached dwelling requiring variances for setbacks to the dwelling, garage and eaves, front porch encroachment, building height, eave height, lot

coverage, garage depth, basement bedrooms within the floodplains and insufficient parking spaces.



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 are as follows:

Staff note this application was previously before the Committee of Adjustment on October 12, 2023, and March 21, 2024, wherein the applicant was proposing a three-storey dwelling. Staff had recommended refusal of the height and associated variances for the third storey. The applicant has since revised the proposal to a two-storey dwelling.

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Greenlands and Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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 are of the opinion that the proposed built form of the detached dwelling is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the designated and surrounding land uses.

Variations #1, #2, #3 and #4 pertain to deficient front yard setbacks measured to the dwelling, garage, eaves and front porch encroachment. Variations #5, #6, #7 and #8 are for interior side yard setbacks measured to the second storey and eaves.

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 neighbourhoods. The general intent of side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Planning staff observe that the front yard setbacks align with those found in the immediate area.

Staff are satisfied that a consistent character is maintained along the streetscape and that an appropriate front yard space is maintained. Staff note the reduction in the side yard setback is measured to the second storey. The first storey meets the minimum side yard setback requirement, and the applicant is proposing to align the second storey on top of the first storey. This aligns with the character of most dwellings found in the immediate area. In light of these considerations, staff supports these variations.

Variance #9 pertains to reduced garage depth. The intent of this provision is to ensure that the garage can accommodate the parking of atypical vehicles entirely within the garage area. Staff note that the requested depth of the garage meets the length of a legal non-residential parking space and will maintain the ability to provide parking for vehicles of average length.

Variance #10 pertains to lot coverage. Staff note that the dwelling's footprint represents 30.76% of the total lot coverage in this instance, which is well below the maximum permissible lot coverage of 35%. The rear deck, front porch, excessive eaves and structure add an additional 12.67% to the proposed lot coverage. Staff are of satisfied that these elements present negligible massing concerns.

Variations #9 and #10 pertain to eave height and height respectively. The intent in restricting height to the eaves and overall height is to lessen the visual massing of the dwelling and bringing the edge of the roof and dwelling height closer to the ground. This keeps the height of the dwelling within human scale. Staff are satisfied that the proposed increases in height are appropriate for the subject property. Staff are satisfied the increase in height is minor and is required to facilitate a two-storey dwelling only.

Variance #13 pertains to basement bedrooms in the floodplains. The intent of limiting bedrooms below the Regulatory Flood Level is to limit the impacts of potential flooding on structures. In this instance Credit Valley Conservation staff have provided comments indicating that they have no objection to the proposal. Given that the City relies on the expertise of the Credit Valley Conservation Authority on these matters and the authority's indicated position on the request, staff are supportive of the variance.

Variance #14 requests a reduction in the total number of parking spaces. Planning staff rely on Municipal parking staff's expertise on parking reduction. Municipal Parking staff have reviewed the variance request and provide the following comments:

Per the submitted application materials, the Applicant indicates they are unable to accommodate a second parking space on the subject property. Due to the proposed design and location of the new dwelling, only a single vehicle garage will be provided.

The front of the garage is located in such a manner that does not allow a second vehicle to be fully accommodated on the portion of the driveway located on the subject property. The applicant indicates that the driveway is of sufficient length, when including the municipal boulevard, to accommodate two vehicles.

Staff advise that no justification has been provided as to why the new dwelling and/or driveway have been designed in a manner to not appropriately accommodate the required vehicle parking on the subject lands. Further, the applicant advises that they will be a multi-generational household, however, does not indicate what the parking demands of the household is.

The applicant has not provided satisfactory justification to support the proposed parking reduction. As the parking deficiency is greater than 10% from the existing Zoning By-law 0225-2007, as amended, per the Parking Terms of Reference a satisfactory Parking Utilization Study is required. The applicant should refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal submission. The applicant should confirm the survey methodology with staff prior to conducting parking surveys.

In lieu of seeking a parking reduction, Municipal Parking staff encourage the applicant to make an attempt to increase the distance between the face of garage and the property line to at least 5.2 m in order to accommodate the by-law required second parking space within the limits of the site.

Should the applicant prefer to seek a parking reduction to permit only 1 parking space within the site, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Notwithstanding the above, Planning staff recognise the dwelling sits close to the front lot line due to floodplain constraints.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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 through the future Building Permit process.

We note that due to the unique situation that this site proposes due to the fact that the dwelling needs to be moved forward because of the flood plain in the rear, we have no concerns with the minor variance, and we will defer the decision to the Committee.

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: Crystal Abainza, 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 Credit Valley Conservation, 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. 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

Forestry

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the proposed 4.57m driveway on Beechwood Ave. may injure the existing Colorado Spruce tree and will likely injure the existing Linden tree, both located within the City Right-of-Way (ROW). Further information regarding these trees is noted below:

- Colorado Spruce: 34cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 2.4m, located northwest of the driveway, City owned tree
- Linden: 45cm DBH approx., good condition, minimum Tree Protection Zone (TPZ) 3.0m, located southeast of the driveway, City owned tree

Care should be taken to protect the above noted City trees as best as possible. Note that Linden trees do not tolerate construction impacts well and as a result, the Linden tree may need to be removed depending on the impact of the proposed development. If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Our previous comments still apply.

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 property is partially regulated due to flood hazard associated with Cooksville Creek. As such, the property is regulated by CVC under Ontario Regulation 41/24. As such, the property is subject to Ontario Regulation 41/24. 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 the following minor variances:

1. A front yard setback to the house (second floor) of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;

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13. Basement bedrooms in the floodplain whereas By-law 0225-2007, as amended, does not allow bedrooms within the floodplain in this instance; and,
14. 1 parking space whereas By-law 0225-2007, as amended, requires a minimum of 2 parking spaces in this instance.

COMMENTS:

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to the approval of this minor variances by the Committee at this time.

CVC has previously reviewed and issued a permit for the proposed development as part of CVC permit application FF 23/073. A revised permit from CVC will be required for the new design.

Comments Prepared by: Eric James, Junior Regulations Officer