

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-14	File(s): A327/20 Ward: 2
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 submit a site plan application and verify the accuracy of the 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 32.27% 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; and
2. A front yard of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.52ft) in this instance.

## Background

**Property Address:** 846 Chaucer Avenue

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Greenlands

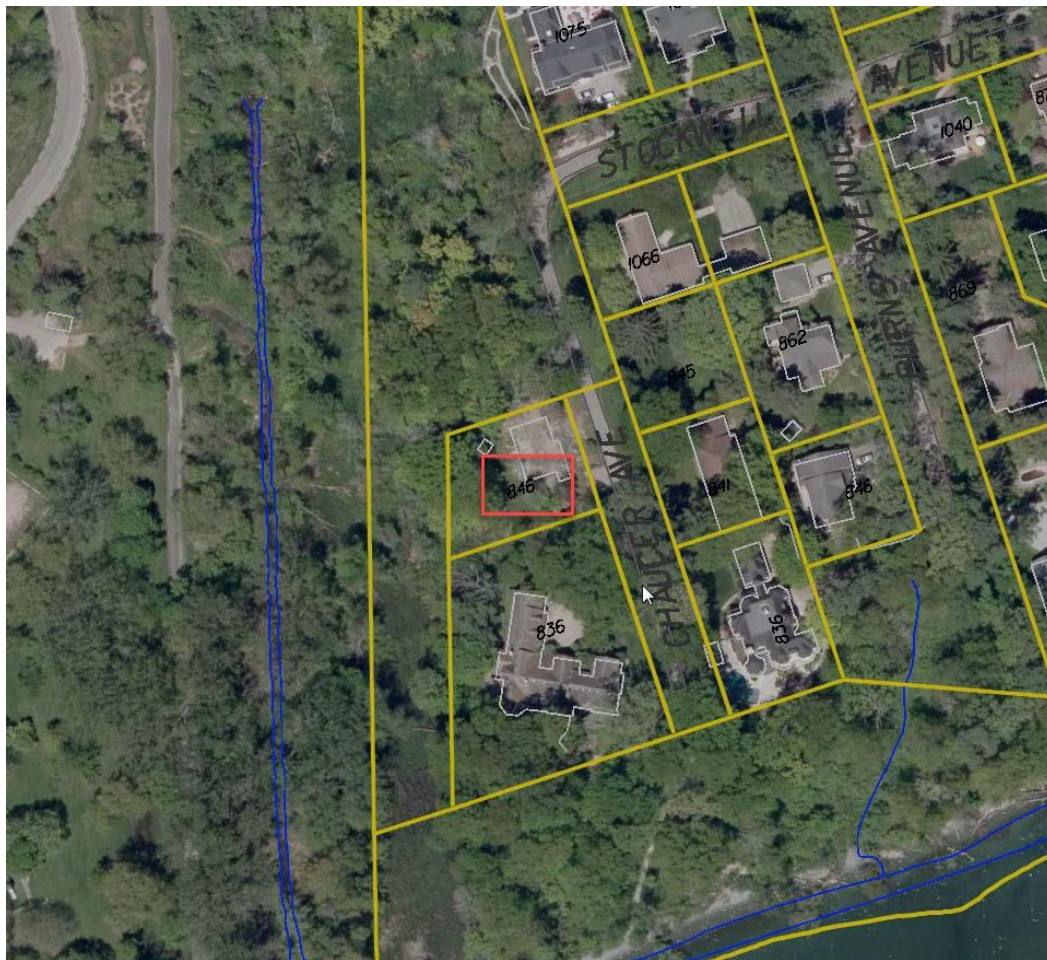
### Zoning By-law 0225-2007

**Zoning:** R2-5 (Residential)

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Lakeshore Road West and Lorne Park Road. The immediate neighbourhood is entirely residential, consisting of one and large two storey detached dwellings with significant mature vegetation. Further west is Jack Darling Memorial Park. The subject property is within a Significant Natural Area and is currently vacant.

The application proposes a new one storey dwelling requiring variances related to front yard setback 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 designated Greenlands in Schedule 10 of the Mississauga Official Plan. The Greenlands designation only permits development for existing lots of record. The intent of the Greenlands designation is to protect any natural feature and hazards on a site. The City relies on the Credit Valley Conservation (CVC) Authority's expertise in these matters. In this instance, CVC has indicated they have no objections to the application. As such, the intent of the Greenlands designation is maintained and the dwelling will not negatively impact the streetscape character of the immediate neighbourhood. 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 32.27% whereas a maximum lot coverage of 30% is permitted. In this instance, the excessive lot coverage is due to the rear deck which has an area of 94.88 m<sup>2</sup>. Excluding the rear deck, the dwelling would have a lot coverage of approximately 23.82%, maintaining by-law provisions. The proposed deck is open on all sides and combined with the mature vegetation on the lot, does not present any massing concerns to the neighbouring property. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a front yard setback of 4 m whereas a minimum of 9 m is required. It should be noted that the previous dwelling maintained a similar setback. 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. In this instance, the dwelling cannot be located further in the rear yard due to the flood plain and protection of the tree canopy. The front yard setback is measured to the garage which is the narrowest point; however at the widest point, the dwelling maintains a setback of 7.41 m. Through a review of the surrounding area, there are examples of dwellings that have similar existing setbacks, creating an irregular streetscape. As such, the proposal will not undermine the character of the streetscape and proposes sufficient front yard space. 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 proposal maintains the existing context of the surrounding neighbourhood and contributes to the eclectic streetscape. The increased lot coverage is due to the proposed rear deck which makes up approximately 8.46% of the total coverage. The front yard setback maintains a similar condition of the previous dwelling. The surrounding neighbourhood includes a mix of dwellings that are situated closer to and further from the front lot line, representing an irregular

streetscape. 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 submit a site plan application and verify the accuracy of the 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 dwelling will be addressed through the future Site Plan/Building Permit Application process.



Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to

confirm the accuracy of the requested variances or determine whether additional variances may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

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

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

Please be advised that a southern portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Woodland of the Greenlands System in Peel, under Policy 2.3.2. Please be advised that a southern portion of the subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the Credit Valley Conservation (CVC) for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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

## **Appendix 6- Conservation Authority Comments**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. 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 (2014);
4. 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;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

## **SITE CHARACTERISTICS:**

The subject property is located partially within the floodplain associated with Birchwood Creek and adjacent to a wetland at the rear. In addition, the property appears to be located within the Residential Woodland (CL17) of the City's Natural Heritage System, Region of Peel's Core Greenland, candidate significant woodland, and candidate Significant Wildlife Habitat.

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

**ONTARIO REGULATION 160/06:**

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 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 32.27% 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; and
2. A front yard of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.52ft) in this instance.

**COMMENTS:**

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the minor variances by the Committee at this time.

Any outstanding concerns related to the proposed development will be addressed during the site plan approval process.

It should be noted that a CVC permit is required for the proposed development.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner