

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2024-11-13 | File(s): A504.24 Ward: 1 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date: 11/21/2024 1:00:00 PM |

Consolidated Recommendation

The City has no objections to the application, subject to the condition.

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 39.84% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A dwelling height of 9.21m (approx. 30.22ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
3. A left second storey setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum second storey setback of 1.81m (approx. 5.94ft) in this instance;
4. A right second storey setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum second storey setback of 1.81m (approx. 5.94ft) in this instance;
5. A left eaves setback of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance;
6. A right eaves setback of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance;
7. An eaves height of 7.17m (approx. 23.52ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend that a condition be added to permit variances #2 and #7 for a two-storey dwelling only.

Background

Property Address: 1062 Alexandra Ave

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

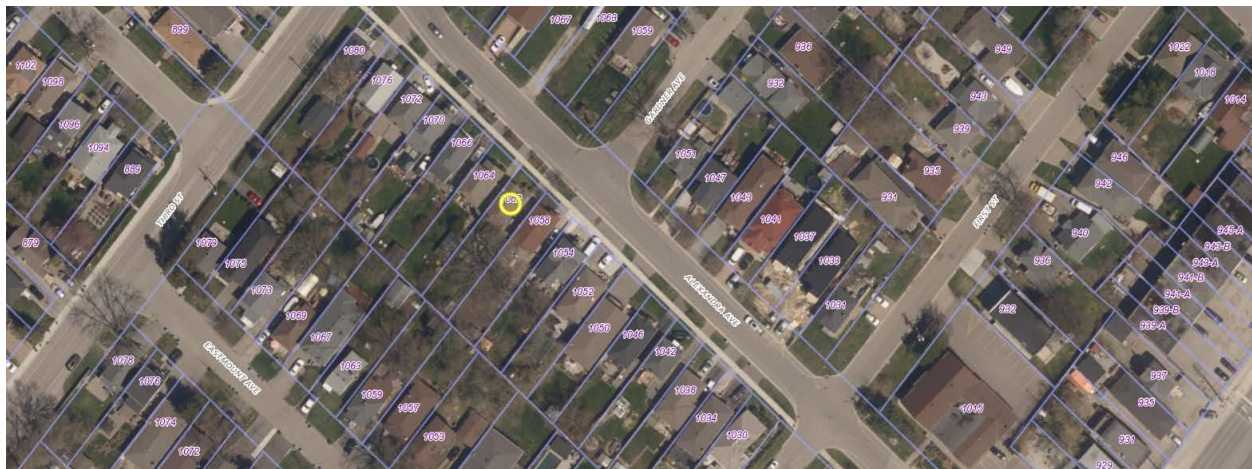
Zoning By-law 0225-2007

Zoning: R3-75 - Residential
Other Applications: Building Permit application BP 9NEW 24-2056

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Lakeshore Road East and Cawthra Road intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for lot coverage, dwelling height, eaves height and setbacks.



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 Lakeview Neighbourhood Area and is designated Residential Low Density II. This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. 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 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 surrounding context and 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 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. Staff note that the dwelling's footprint represents approximately 33.5% of the total lot coverage, which is below the maximum permissible lot coverage of 35%. Therefore, staff are of the opinion that the variance is required to only accommodate elements like the porch and rear deck, which do not have the same massing impacts. Therefore, staff are satisfied that the proposal does not represent overdevelopment or negatively impact the streetscape.

Variances #2 and #7 pertain to dwelling height and eave height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize its negative impacts on the streetscape and neighbouring properties. The intent of 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. Planning staff typically do not support flat roof heights of this magnitude; however, the dwelling presents a sloped roof from the streetscape and that the flat roof variance is technical due to the design of the roof. Staff are of the opinion that the proposed dwelling meets the intent of the flat roof height regulation, as it is limited to two-storeys. As such, staff are satisfied that the variance is technical in nature. Further, staff are of the opinion that incorporating architectural features such as differing materials and windows into the design further mitigates any massing impacts.

Variances #3, #4, #5 and #6 request relief from the side yard setback provisions. The general intent of the side yard regulations is to ensure that an adequate buffer exists between the massing of structures on abutting properties. Staff note that the first storey meets the required

interior side yard setback, and the applicant is proposing to align the second storey on top of the first storey. The variances are required to accommodate the second storey and eaves only. It is staff's opinion that in this instance an appropriate buffer is maintained.

Given the above, Staff are satisfied that the 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 proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in 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 by our Development Construction Section through Building Permit BP 9NEW-24/2056.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 24-2056. Based on the review of the information available in this application, the requested variance(s) are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

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 construction works affiliated with the asphalt driveway widening may impact the following City owned trees, potentially resulting in tree injury. Care should be taken to protect the below noted trees as best as possible:

- Red Maple: 15cm DBH (approx.), good condition, minimum Tree Protection Zone (TPZ) 1.2m, located north of asphalt driveway, City tree.
- Flowering Crab Apple: 25cm DBH, good-fair condition, minimum Tree Protection Zone (TPZ) 1.8m, located south of asphalt driveway, City tree.

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. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-504M / 1062 Alexandra Avenue

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)(905) 791-7800 x3602

Comments:

- 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 by email at siteplanservicing@peelregion.ca.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6- CVC Comments

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 5.1 and 5.2 of the *Provincial Planning Statement* (2024);
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 flood and meander belt (erosion) hazard associated with Mary Fix creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (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 allow the construction of an accessory structure proposing:

1. An accessory structure area of 35.67sq m (approx. 383.95sq 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; and
2. An accessory structure height to the highest point of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height to the highest point of 3.50m (approx. 11.48ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has **no objection** to the approval of the minor variances proposed at this time. CVC has reviewed the proposal as part of permit application FF 24/124.

The applicant is to note, that the property is regulated by CVC and a CVC permit will be required for any future development proposed on the property.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance/Consent application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 3500) 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

Appendix 7 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1062 Alexandra Ave to construct a new 2-storey dwelling with a basement suite as circulated on October 23rd, 2024, and to be heard at Public Hearing on November 21st, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review