

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): A35.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-28

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 requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 29.48% whereas By-law 0225-2007, as amended, requires a minimum lot coverage of 25.00% in this instance;
2. A lot frontage of 21.70m (approx. 71.1ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance;
3. A side yard of 2.20m (approx. 7.22ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.20m (approx. 13.78ft) in this instance; and
4. A window well measured to a side yard lot line of 1.49m (approx. 4.89) whereas By-law 0225-2007, as amended, requires a window well measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff note variance #2, #3 and #4 are not required.

and the following variances should be added:

5. A chimney measured to a side yard lot line of 2.52m (approx. 8.27ft) at easterly side, whereas By-law 0225-2007, as amended, requires a chimney measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.
6. A window measured to a side yard lot line of 2.32m (approx. 7.61ft) at easterly side whereas By-law 0225-2007, as amended, requires a window measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.

7. To permit 2 kitchens within a single dwelling unit; whereas a maximum of 1 kitchen in a single dwelling unit is permitted.

Background

Property Address: 2265 Gordon Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: Residential Low Density I

Zoning By-law 0225-2007

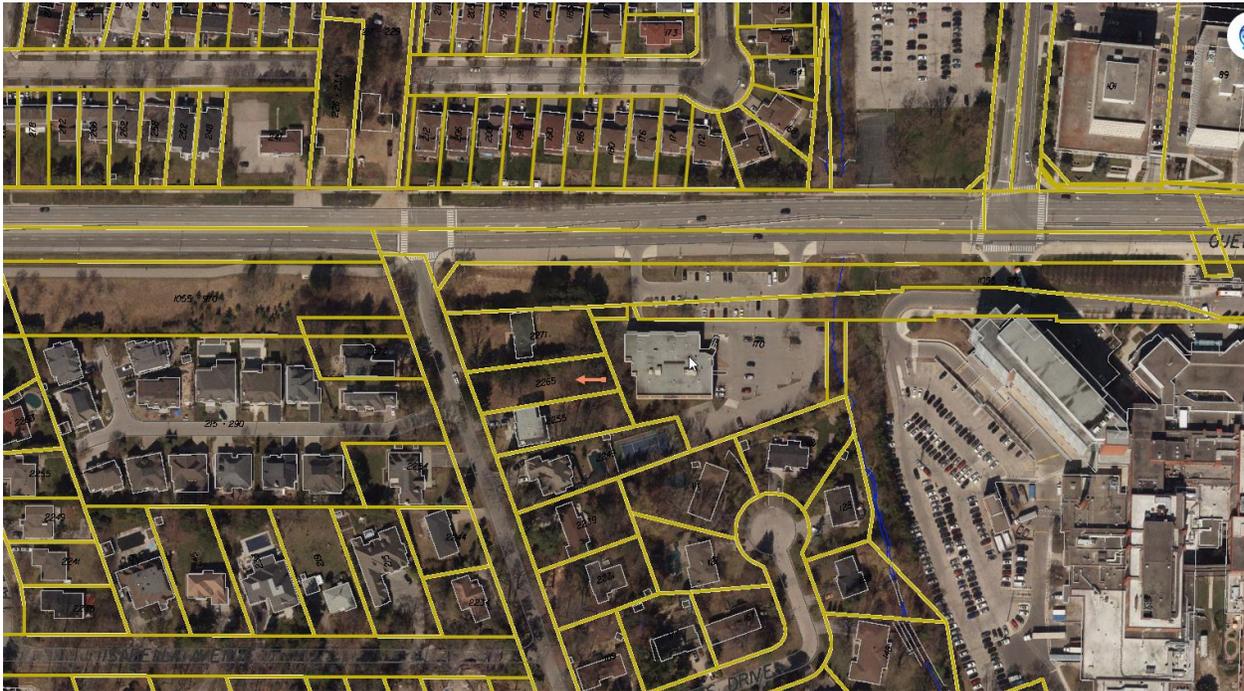
Zoning: R1-7

Other Applications: SPI 20-40

Site and Area Context

The subject property is located south-east of the Queensway West and Gordon Drive intersection. The property is an interior parcel, with a lot area of +/- 1,407.58m² and a lot frontage of +/- 21.70m. It is currently a vacant parcel with moderate vegetation scattered throughout the lot. Contextually, the area is comprised exclusively of residential dwellings on large lots with limited vegetation and landscape elements within the front yards. The properties within the immediate area possess lot frontages of +/- 22.0m.

The applicant is proposing to construct a new dwelling requiring a variance for 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 are as follows:

Variance #1 as requested pertains to lot coverage;

The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, a lot coverage of 29.27% was previously approved (A267/20) therefore an increase of the proposed 29.49% is nominal in nature. Through a detailed review, Staff is of the opinion that Variances #1, as amended, is appropriate to be handled through the minor variance process.

Variance #2, 3 and 4 are not required, as they have previously been approved through minor variance application A267/20.

The Building Department is currently processing a site plan application under file SPI 20-40. Based upon review of this Application, Planning Staff are in agreement with Zoning's comments and recommend that additional variances be added:

Additional Variance #1

5. A chimney measured to a side yard lot line of 2.52m (approx. 8.27ft) at easterly side, whereas By-law 0225-2007, as amended, requires a chimney measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.

Additional Variance #2

6. A window measured to a side yard lot line of 2.32m (approx. 7.61ft) at easterly side whereas By-law 0225-2007, as amended, requires a window measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.

Additional Variance #3

7. To permit 2 kitchens within a single dwelling unit; whereas a maximum of 1 kitchen in a single dwelling unit is permitted.

This department has no objection to the additional variances should the applicant wish to proceed with them. As such, through a review of the surrounding area the additional variances will not undermine the character of the neighbourhood. The variances, as amended, result in both the orderly development of the lands, and whose impacts are minor in nature. Staff is 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.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the *Planning Act*.

Comments Prepared by: Brooke Herczeg RPP, 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 are being addressed through the Site Plan Application process, File SPI-20/040.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 20-40. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A lot coverage of 29.48% whereas By-law 0225-2007, as amended, requires a minimum lot coverage of 25.00% in this instance;
2. A lot frontage ofm whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance; (More information and clarification is required for the lot frontage).
3. A side yard of 2.20m (approx. 7.22ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.20m (approx. 13.78ft) in this instance; and
4. A window well measured to a side yard lot line ofm whereas By-law 0225-2007, as amended, requires a window well measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance. (More information is required).

Missing information:

1. Comment # 2 more information and clarification required for the lot frontage.
2. Comment # 4 the window well setbacks required for the window wells on latest site plan.

Our comments are based on the plans received by Zoning staff on 2020-Dec-03 for the above captioned site plan 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 site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo

Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 28th, 2021 Committee of Adjustment Agenda. We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

It is our understanding that the applicants request the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 29.48% whereas By-law 0225-2007, as amended, requires a minimum lot coverage of 25.00% in this instance;
2. A lot frontage of 21.70m (approx. 71.1ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance;
3. A side yard of 2.20m (approx. 7.22ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.20m (approx. 13.78ft) in this instance; and
4. A window well measured to a side yard lot line of 1.49m (approx. 4.89) whereas By-law 0225-2007, as amended, requires a window well measured to a side yard lot line of 3.59m (approx. 11.78ft) in this instance.

Based on our updated floodplain mapping, the subject property is partially regulated by CVC due to its proximity to the floodplain associated with Mary Fix Creek. As such, 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).

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided clearance on a Site Plan application (SP 20/040) for the proposed development previously. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please note that the proposed development appears to be located outside of CVC's Regulated Area and a CVC permit will not be required for the development as proposed.

Should you have any questions, please feel free to contact me.

Comments Prepared by: Elizabeth Paudel, Junior Planner