

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A220.20 A221.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

Consolidated Recommendation

The City recommends that variances #1 and 2 be refused, however, have no objections to variances #3 and 4. The applicant may choose to defer the application to verify the accuracy of the variances and ensure 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 on 10-A Pine Avenue North proposing:

1. A building height measured to the top of the roof of 9.11m (approx. 29.89ft) whereas By-law 0225-2007 as amended, permits a maximum building height measured to the top of the roof of 7.50m (approx. 24.61ft) in this instance;
2. A building height measured to the eaves of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
3. A side yard measured to a balcony of 0.80m (approx. 2.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 1.20m (approx. 3.94ft) in the instance; and
4. A side yard measured to a basement entrance stairwell of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a basement entrance stairwell of 1.20m (approx. 3.94ft) in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on 10-B Pine Avenue North proposing:

1. A building height measured to the top of the roof of 9.11m (approx. 29.89ft) whereas By-law 0225-2007 as amended, permits a maximum building height measured to the top of the roof of 7.50m (approx. 24.61ft) in this instance;
2. A building height measured to the eaves of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;

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3. A side yard measured to a balcony of 0.80m (approx. 2.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 1.20m (approx. 3.94ft) in the instance; and
4. A side yard measured to a basement entrance stairwell of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a basement entrance stairwell of 1.20m (approx. 3.94ft) in this instance.

Amendments

"[Enter amendments to variances]"

Recommended Conditions and Terms

"[Enter terms and conditions here]"

Background

Property Address: 10A and 10B Pine Avenue North

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM7-5 (Residential)

Other Applications:

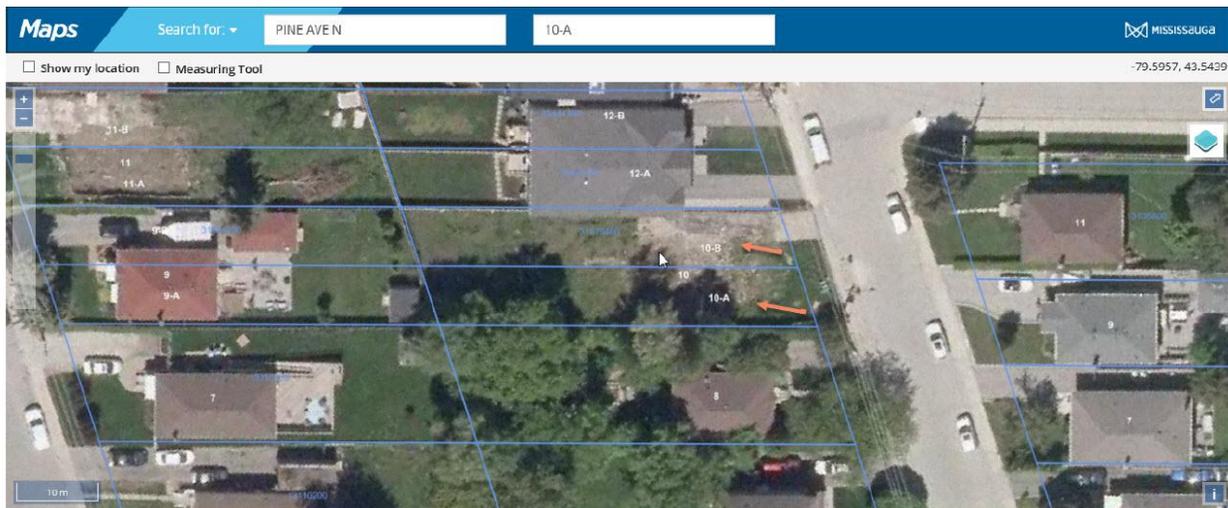
Building Permit: 20-1396

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. Currently the subject property contains a one storey detached dwelling with little mature vegetation. The surrounding area includes a mix of residential uses, including detached, semi-detached and apartment dwellings with little mature vegetation. The neighbourhood contains an eclectic lot fabric with frontages ranging from approximately 6.30 m to 14 m.

The subject property received approval in May 2018 to sever the lot for the purpose of developing semi-detached dwellings. At that time, no variances were requested for the

construction of the dwellings. The subject application was previously deferred from the August 18th, 2020 Committee of Adjustment hearing to allow the applicant time to work with planning staff and reduce the heights. Unfortunately, discussions with the applicant, did not lead to a compromise. As a result, the application proposes variances related to an increased flat roof height, eave height and deficient side yards measured to a balcony and basement stairwell.



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 Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the North Residential Neighbourhood Precinct (Shawnmarr/Indian Heights) of the Port Credit Local Area Plan. Section 9 of MOP promotes development with appropriate urban form and site design, requiring that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed semi-detached dwellings do not respect the character of the surrounding area and are not compatible with newer semi-detached dwellings. The increased heights present significant massing concerns to the

character of the streetscape as the dwellings propose a three storey flat roof dwelling with no design elements to alleviate the overall massing of the dwellings. Staff is of the opinion that variances #1 and 2 on both applications do not maintain the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 and 2 on both applications propose a flat roof height of 9.11 m whereas 7.50 m is permitted and an eave height of 6.95 m whereas 6.40 m is permitted. 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 negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings permitted up to a height of 10.70 m. Through discussions with the applicant's agent, examples of existing semi-detached dwellings were presented as evidence as to why a significant increase in flat roof height should be acceptable. However, some of these dwellings were built prior to the implementation of the infill regulations and make up a minor portion of semi-detached dwellings within the neighbourhood. Other examples provided were not flat roof dwellings as per the zoning by-law and are sloped roof dwellings with different design elements. Since the infill regulations, Pine Avenue North has experienced a significant number of consent applications proposing semi-detached dwellings. Through each of those applications, there were no variances for an increase in flat roof height. The subject application proposes a three storey flat roof dwelling with no architectural features that break up the overall massing of the dwelling. From a streetscape perspective, the increased flat roof height proposes a built form that is not characteristic of the newer semi-detached dwellings on Pine Avenue North and does not respect the intent of the infill regulations. As such, these variances do not maintain the general intent and purpose of the zoning by-law.

The remaining variances relate to a deficient setback measured to the basement stairwell and second storey balcony from the adjoining property lot line. As the variances are measured to the adjoining lot line and they are interior to the proposed semi-detached dwellings, staff is of the opinion that these variances are appropriate to be handled through the minor variance process. Further, these variances raise no concerns of a planning nature.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The design of the proposed dwellings, combined with the increased heights are not compatible with the context of the surrounding area and do not respect the intent of the infill regulations that were implemented to reduce these types of flat roof dwellings. The increased heights present significant massing concerns to the character of the streetscape and neighbouring properties. Staff is of the opinion that the variances #1 and 2 do not represent orderly development of the lands and are not minor in nature.

Conclusion

The Planning and Building Department recommends that variances #1 and 2 be refused, however, have no objections to variances #3 and 4. The applicant may choose to defer the application to 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 Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a preliminary zoning review application under file PRE 20-1396. It appears the plans for the minor variance application differ from the plans reviewed with the preliminary zoning review application on 5/8/2020; therefore, Zoning staff is unable to confirm the accuracy of the request or if additional variances are required. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the preliminary zoning review process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

Deferred Applications: A-220/20, A-221/20, A-364/20, A-413/20.

Comments Prepared by: Diana Guida, Junior Planner