

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A211.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 3:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

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

1. A gross floor area – infill residential of 871.29sq.m (approx. 9377.52sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 823.10sq.m (approx. 8859.77sq.ft) in this instance;
2. A dwelling depth of 21.03m (approx. 69.00ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. An balcony area of 19.37sq.m (approx. 208.50sq.ft) whereas By-law 0225-2007, as amended, permits a maximum balcony area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
4. A balcony projection beyond the garage face of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection beyond the garage face of 1.00m (approx. 3.28ft) in this instance;
5. A building height measured to the eaves (from average grade) of 9.51m (approx. 31.20ft) whereas By-law 0225-2007, as amended, permits a maximum building height measure to the eaves of 6.40m (approx. 21.00ft) in this instance;
6. A building height measured to a flat roof of 10.27m (approx. 33.69ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance;
7. A driveway width of 16.46m (approx. 54.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
8. Two driveways whereas By-law 0225-2007, as amended, permits a maximum of one driveway in this instance;
9. A setback measured from a lot line to the driveway of 0m whereas By-law 0225-2007, as amended, requires a minimum setback measured from a lot line to a driveway of 0.61m (approx. 2.00ft) in this instance;

City Department and Agency Comments	File:A211.21	2021/05/27	2
-------------------------------------	--------------	------------	---

---

10. A building height of an accessory structure of 5.51m (approx. 18.20ft) whereas By-law 0225-2007, as amended, permits a maximum building height of an accessory structure of 3.50m (approx. 11.48ft) in this instance;
11. A hammerhead driveway on a lot with a lot frontage less than 15.0m (approx. 49.21ft) whereas By-law 0225-2007, as amended, does not permit a hammerhead driveway on a lot with a lot frontage less than 15.0m (approx. 49.21ft) in this instance;
12. Dimensions of a hammerhead driveway of 6.0m x 14.0m (approx. 19.68 x 45.92ft) whereas By-law 0225-2007, as amended, permits maximum dimensions of a hammerhead driveway of 2.6 x 3.0m (approx. 8.53x 9.84ft) in this instance; and
13. A walkway attachment of 3.68m (approx. 12.07ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ftft) in this instance.

## Background

**Property Address:** 320 Indian Valley Trail

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Greenlands & Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-4 & R2-5 - Residential

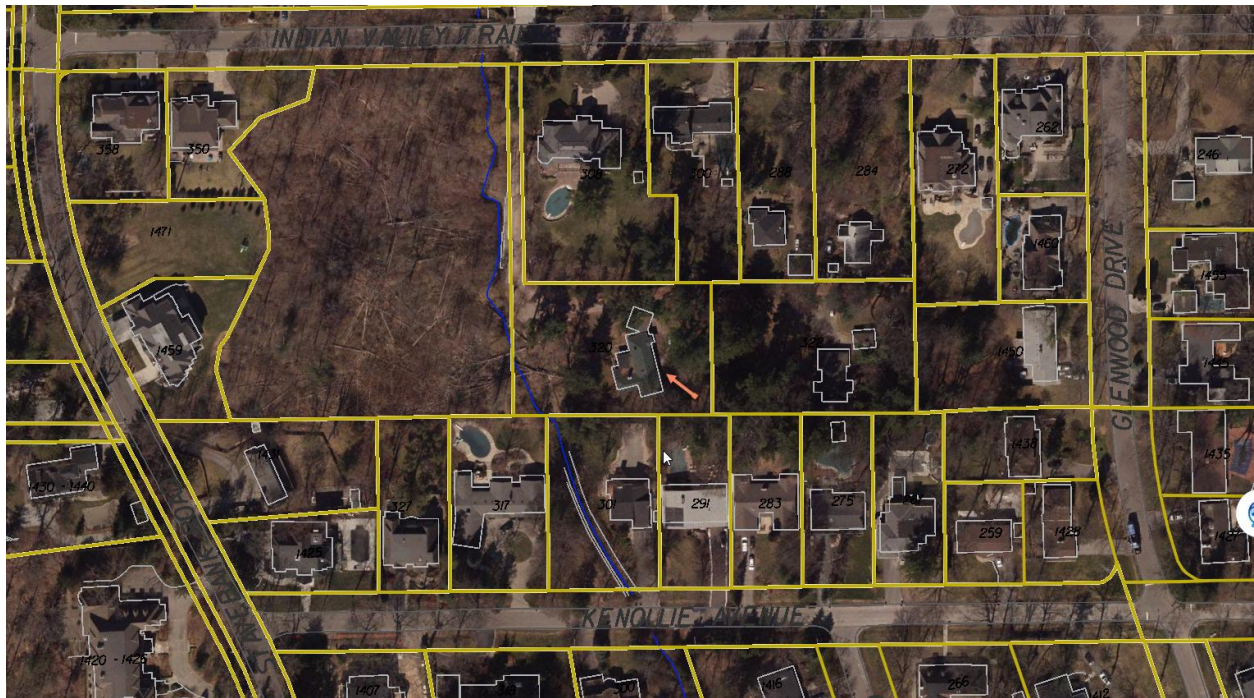
### Other Applications

Site Plan Application: 19-153

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Hurontario Street and Indian Valley Trail. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. The subject property is a flag shaped lot and contains an existing one storey dwelling with significant mature vegetation throughout the lot.

The applicant is proposing a new two storey dwelling that requires variances related to gross floor area, dwelling depth, balconies, height, driveways, walkway attachment and an accessory structure.



## 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 and Residential Low Density I in Schedule 10 of MOP. 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. Through a review of the site plan application, Credit Valley Conservation (CVC) Authority and the Transportation and Works and Community Services Department have no concerns regarding the Greenlands designation. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area of MOP, refer to urban design policies regarding to infill housing and states that new housing is encouraged to fit the scale and character of the surrounding area. The proposed dwelling is significantly setback from adjacent properties and is surrounded by mature vegetation that is planned to be maintained which reduces any potential negative impact the dwelling could have. As such, the proposed dwelling respects the designated land

use, and has regard for the distribution of massing on the property as a whole. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1, 5 and 9 propose an increased gross floor area, eave height and flat roof height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling. By bringing the edge of the roof closer to the ground, the dwelling will maintain a more human scale. In this instance, the difference between average grade and finished grade is approximately 1.20 m, which accounts for a portion of the height increases. While the increase in height and gross floor area would present concerns on ordinary lots, the subject property has unique features regarding location and parcel size. The proposed dwelling is significantly setback from neighbouring properties. Combined with the preservation of existing vegetation surrounding the dwelling, there would be little impact to neighbouring properties regarding the proposed massing. The proposed dwelling would not create any shadowing concerns and will not impact the character of the streetscape due to the location. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a dwelling depth of 21.03 m whereas a maximum of 20 m is permitted. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, the increased dwelling depth is mostly present on the westerly side of the dwelling which is not adjacent to a neighbouring residential property. This mitigates any potential impact as a result of the increased dwelling depth. Additionally, the subject property contains significant vegetation along the perimeter of the lot, screening any potential impact of the dwelling depth. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through discussions with the Fire Department, a hammerhead length of 17.5 m is required as stated in the Fire Route By-law. The application only proposes a 14 m hammerhead length. The applicant is required to submit a letter to the Fire Department to vary any requirement from the by-law, which then requires approval by the Fire Chief.

Based on the preceding information, staff recommends that the application be deferred to allow the applicant to receive approval from the Fire Department.

## **Conclusion**

The Planning and Building Department recommends that the application be deferred.

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 are being addressed through the Site Plan Application process, File SPI-19/153.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

Additional information is required to verify:

- GFA Infill residential. GFA Non-residential declaration form not provided;
- Encroachment of driveway onto neighbouring property;
- Unclear why walkway variance is requested; and,
- Unclear why two driveway variance is requested.

Comments Prepared by: Ramsen hedoo

### Appendix 3 – Parks, Forestry & Environment

The Park 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 City owned lands, identified as Not Yet Named (P-510). 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 measures:
  - 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...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Process.
2. Stockpiling, construction access and encroachment of construction materials in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner

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

### Development Engineering: Camila Marczuk (905) 791-7800 x8230

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.

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 at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

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

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Natural Areas and Corridors (NAC) Woodland of the Greenlands System in Peel, under Policy 2.3.2. A portion of the subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within 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