

# City of Mississauga Department Comments

Date Finalized: 2022-10-19 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A430.22 Ward: 2
	Meeting date:2022-10-27 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A gross floor area of 375.50 sq.m (approx. 4041 sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 340.76sq.m (approx. 3667 sq.ft) in this instance;
2. An interior side yard setback of 1.29m (approx. 4.23ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.90ft) to the second storey in this instance;
3. An interior side yard setback of 0.84m (approx. 2.75ft) to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.96m (approx. 6.43ft) to the eaves overhang in this instance;
4. A combined side yard width of 4.56m (approx. 14.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard width of 5.35m (approx. 17.55ft) in this instance;
5. A flat roof height of 7.77m (approx. 25.49ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.5m (approx. 24.60ft) in this instance; and,
6. A lot coverage of 35% (approx. 263.82sq.m or 2839.73sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 33% (approx. 248.75sq.m or 2677.52 sq.ft) in this instance.

## Background

**Property Address:** 1235 Whittington Road

### Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

Zoning: R3-1-Residential

Other Applications: SPI 22-43, PAM 22-75

### Site and Area Context

The subject property is located north-west of the Clarkson Road North and Balsam Avenue intersection in the Clarkson neighbourhood. It currently contains a single storey detached dwelling with an attached garage. The property has an approximate lot frontage of +/- 19.81m (64.99ft) and an approximate lot area of +/- 754.39m<sup>2</sup> (8,120.19ft<sup>2</sup>), which are characteristic of the lots in the surrounding context. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding context is exclusively residential, consisting predominantly of single storey detached dwellings, however two-storey detached dwellings are also present.

The applicant is proposing to construct a residential addition requiring variances for gross floor area, lot coverage, side yard setbacks, and flat roof height.



## 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:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

Staff note that variance #1 is calculated incorrectly. City Council passed a zoning by-law amendment on August 10<sup>th</sup> 2022 that revised the definition of gross floor area (GFA) – infill residential, to include the area of “void in a floor”. Further, Subsection 4.1.22 was added to Section 4.1 which allows applicants to exceed the maximum GFA by up to 10% in order to account for the void area in a floor. Any additional void in the floor area that exceeds 10% is now included in the overall calculation of maximum GFA - infill residential. The applicant has not included “void in the floor” areas in their calculation of GFA-infill residential.

Despite the effect of Subsection 4.1.22 on the calculation of GFA, staff is of the opinion that the GFA proposed is excessive, out of character with the area, and will add to the overall massing of the dwelling. Staff recommend reducing the amount of open to below space within the dwelling to reduce the overall massing of the dwelling.

Further, staff have concerns with the proposed side yard setbacks as they represent a large deviation from the minimum requirements. Lastly, combined effects of reducing the dwelling’s setbacks while increasing GFA and height, will result in excessive massing of the dwelling and will pose negative impacts on the streetscape and neighbouring properties.

As such, staff recommend that the application be deferred to allow the applicant an opportunity to redesign the dwelling.

Comments Prepared by: Connor DiPietro, 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 addition are being addressed through the current Site Plan Application, File SPI-22/043.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 22-43 W2. Based on review of the information currently available in this permit application, variance # 1, as requested is correct.

We also advise that the following variances be amended as follows:

2. A westerly interior side yard setback of 1.29m (approx. 4.23ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.90ft) to the second storey in this instance;
3. A westerly interior side yard setback of 0.84m (approx. 2.75ft) to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.96m (approx. 6.43ft) to the eaves overhang in this instance;
4. A combined side yard width of 23.02 % whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00 %, in this instance;

Furthermore, more information is required in regard to the number of storeys and maximum height, lot coverage and if any additional minor variances are required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### **Appendix 3 – Trans-Northern Pipelines**

As the proposed development is within the Prescribed Area (30m on either side of the pipeline as defined by the CER) and possible within our ROW, please see below requirements in relation to the pipeline ROW.

- Permanent above ground structures are not allowed
- No vehicles/parking spaces, equipment or storage are allowed within the ROW
- The pipeline ROW is to be kept clear of trees and berms, parallel fences, paved parking lots
- Permits may be required for any activities within the Prescribed Area (30m on either side of the pipeline) which can be requested by following the steps described near the end of this response.
- TNPI's ROW are best suited for light landscaping such as grass and small bushes

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

*It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless*

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- *(b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to receive the required authorization. This process can be initiated through

#### **TRANS-NORTHERN PIPELINES INC.**

Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact our crossing coordinator via email at : [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca).

Comments Prepared by: Renee Flowerday, Property and Right of Way Administrator

#### **Appendix 4 – Region of Peel**

We have no comments or objections

Comments Prepared by: Patrycia Menko, Junior Planner