

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A522.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 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 dwelling proposing:

1. A garage area of 78.09sq m (approx. 840.55sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
2. A dwelling depth of 26.31m (approx. 86.32ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. An eave height of 7.54m (approx. 24.74ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. A combined side yard width of 5.75m (approx. 18.86ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.22m (approx. 27.00ft) in this instance;
5. A hammerhead dimension of 13.54m x 7.00m (approx. 44.42ft x 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead dimension of 3.00m x 2.60m (approx. 9.84ft x 8.53ft) in this instance; and,
6. A dwelling height to the highest roof ridge for a sloped roof of 10.02m (approx. 32.87ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest roof ridge for a sloped roof of 9.50m (approx. 31.17ft) in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SPI 21-169. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

4. A combined side yard setback of 18.53% of the lot frontage (5.75m (approx. 18.86ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 27% of the lot frontage (8.22m (approx. 27.00ft)) in this instance

6. A dwelling height to the highest roof ridge for a sloped roof of 9.97m (32.71ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest roof ridge for a sloped roof of 9.50m (approx. 31.17ft) in this instance

Background

Property Address: 1265 Tecumseh Park Drive

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 - Residential

Other Applications: Site plan approval application under file SPI 21-169

Site and Area Context

The subject property is located within Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Indian Road and Birchview Drive intersection. The neighbourhood is entirely residential, consisting of large lots with one and two storey detached dwellings. There are many circular driveways present throughout the immediate neighbourhood. The subject property contains a two storey detached dwelling with a detached garage and vegetation along the interior side yards. Adjacent to the subject property at the rear is a City owned park known as Tecumseh Park.

The applicant is proposing to construct a new dwelling requiring variances related to garage area, eave and building height, dwelling depth, side yard width and hammerhead dimensions.



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 Greenlands and Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

Variance #3 pertains to eave height. Staff is of the opinion that this variance may be incorrect and recommends that the applicant meet with zoning to confirm its accuracy.

Variance #5 pertains to hammerhead dimensions. The intent of a hammerhead driveway is to facilitate a turnaround on a property and is not to be used for parking purposes. Staff are of the opinion that the dimensions of the hammerhead are numerically excessive and will be able to accommodate additional parking needs.

As such, staff recommends that the application be deferred to allow the applicant an opportunity to address staff's concerns and meet with Zoning staff to confirm the accuracy of the requested variances and determine if additional variances are required.

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 dwelling will be addressed through the Site Plan Application process, File SPI-21/169.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 21-169. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

4. A combined side yard setback of 18.53% of the lot frontage (5.75m (approx. 18.86ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 27% of the lot frontage (8.22m (approx. 27.00ft)) in this instance

6. A dwelling height to the highest roof ridge for a sloped roof of 9.97m whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest roof ridge for a sloped roof of 9.50m (approx. 31.17ft) in this instance

Additionally, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 04/12/2022 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: A. McCormack

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

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

The lands to the rear of the property are owned by the City of Mississauga, identified as Tecumseh Park (P-015) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. 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.

1. Construction access from the adjacent City owned lands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Servicing - Camila Marczuk (905) 791-7800 x8230

Comments:

- 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.
- 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 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Planning – Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation (CVC) Authority and within a Core Area of the Greenlands System in Peel as identified under policy 2.3.2 of the Regional Official Plan. We rely on the environmental expertise of the CVC Authority for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment. We therefore request that the City of Mississauga Committee of Adjustment and staff consider comments from the CVC Authority and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 5- CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. 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;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

Based on our mapping, the subject property is regulated due to the valley slope and floodplain associated with Tecumseh Creek, as well as a wetland. Additionally, the property is within the following natural heritage features: Peel Core Greenlands; City of Mississauga Natural Heritage System (NHS), designated as Significant Natural Area; Credit River Watershed Natural Heritage System (NHS); Migratory Landbird Stopover Habitat (Significant Wildlife Habitat). It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

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).

The proposed works are located within CVC's Regulated Area and a CVC permit is required.

Proposal:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A garage area of 78.09sq m (approx. 840.55sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
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Comments:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided comment on a Site Plan application (SP 21/169) for the proposed development and any outstanding concerns will be addressed during the Site Plan approval and CVC permit process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

A CVC permit is required for the development as proposed. Upon approval of the minor variance, please contact CVC directly for the next steps related to the CVC permit application process.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner