

# City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A657.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling proposing:

1. A westerly rear yard setback from a Railway-Right-of-Way to a detached garage of 4.05m (approx. 13.29ft) whereas By-law 0225-2007, as amended, requires a minimum westerly rear yard setback from a Railway-Right-of-Way to a detached garage of 30.00m (approx. 98.43ft) in this instance;
2. A westerly rear yard setback from a Railway-Right-of-Way to the dwelling of 16.37m (approx. 53.71ft) whereas By-law 0225-2007, as amended, requires a minimum westerly rear yard setback from a Railway-Right-of-Way to the dwelling of 30.00m (approx. 98.43ft) in this instance;
3. A westerly rear yard setback from a Railway-Right-of-Way to an accessory building of 12.29m (approx. 40.32ft) whereas By-law 0225-2007, as amended, requires a minimum westerly rear yard setback from a Railway-Right-of-Way to an accessory building of 30.00m (approx. 98.43ft) in this instance;
4. An accessory building area of 60.00sq m (approx. 645.84sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building area of 20.00sq m (approx. 215.28sq ft) in this instance;
5. An accessory building flat roof height of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building flat roof height of 3.50m (approx. 11.48ft) in this instance;
6. 2 attached garages whereas By-law 0225-2007, as amended, permits a maximum of 1 attached garage in this instance;
7. A balcony area on top of an attached garage of 14.00sq m (approx. 150.70sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony area on top of an attached garage of 10.00sq m (approx. 107.64sq. ft) in this instance;

8. 1 detached garage as a second building whereas By-law 0225-2007, as amended, does not permit a detached garage as a second building in this instance;

9. A flat roof height for the detached garage of 8.11m (approx. 26.61ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height for the detached garage of 3.00m (approx. 9.84ft) in this instance; and,

10. A flat roof height for the dwelling of 12.20m (approx. 40.03ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height for the dwelling of 10.70m (approx. 35.10ft) in this instance.

## Background

**Property Address:** 6970 Old Creditview Rd

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

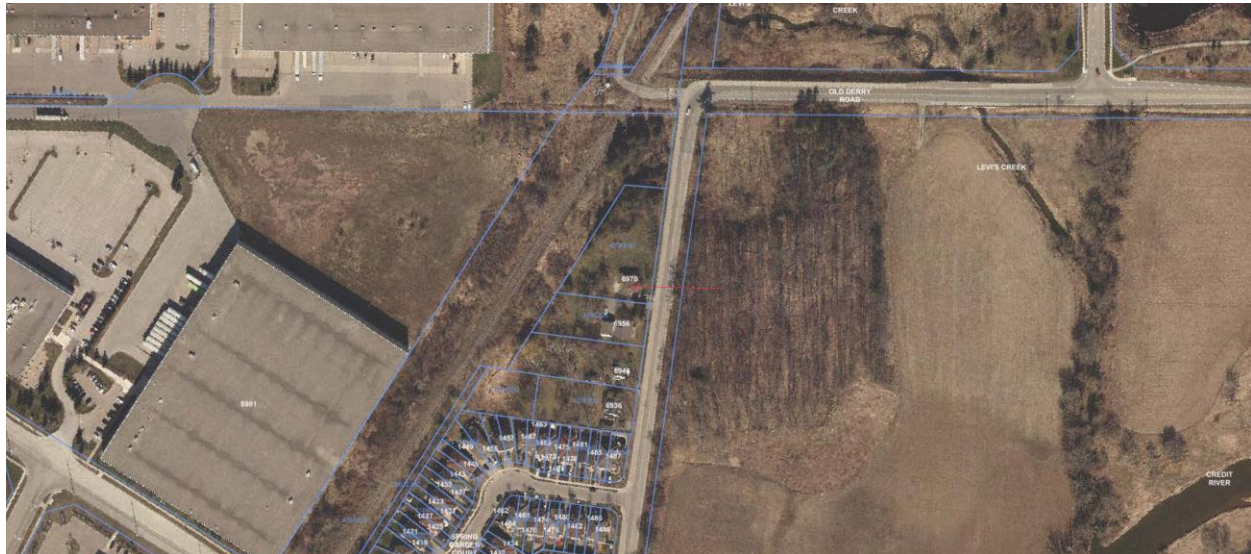
**Zoning:** R1 - Residential

### Other Applications:

### Site and Area Context

The subject property is located on the west side of Old Creditview Road, south of Old Derry Road. It currently contains a single storey detached dwelling with an attached garage. It has a lot area of +/- 3,452.85m<sup>2</sup> (37,166ft<sup>2</sup>), making it the largest residential property in the surrounding area. The surrounding context includes a variety of uses and built forms including train tracks and employment uses to the west, residential uses to the south, vacant lands to the east and conservation lands to the north.

The applicant is proposing a new dwelling requiring variances for setbacks to the railway corridor, accessory structure floor area and height, garages and garage heights, overall height of the dwelling, and a balcony area above a garage.



## 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 located in the Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings as well as other forms of low rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. The proposal represents an appropriate built form in accordance with the official plan, and the requested variances will not have a significant impact to the streetscape or surrounding area context. Staff are therefore satisfied that the application maintains 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 through 3 request reductions in setback to the railway right of way abutting the property to the rear. Despite the reduction the proposed structures maintain a significant setback to the railway tracks themselves, and staff note that dwellings further south along

Spring Garden Court also have a reduced setback to the railway. Furthermore staff are not in receipt of any objections from the owner of the railway lands.

Variances 4 & 5 relate to a proposed accessory structure. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and are clearly accessory, while not presenting any massing concerns to neighbouring lots. Staff note that three legally sized accessory structures placed side by side at the same location on the property would have a similar massing impact as the proposal. Furthermore the structure maintains all required setbacks, further limiting any potential impacts to abutting properties. The combined structures represent less than 2% of the total lot area and are clearly accessory in nature to the dwelling.

Variances 6 & 8 relate to the proposed garages on the subject property. The applicant has proposed a total of two attached garages and one detached garage. The intent in restricting the overall number of garages is to ensure that the detached dwelling remains residential in nature. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive garage faces fronting onto a street. Staff has no concerns with the garages proposed as they all face into a courtyard area and are not visible from the street.

Variance 7 relates to a balcony above a garage. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff note that the balcony has a significant setback from the abutting property to the south, and given its positioning, will not pose any privacy or overlook concerns to any residential properties.

Variances 9 & 10 relate to the height of the detached garage and the dwelling. The intent of restricting height is to lessen the visual massing of structures. The detached garage is located entirely behind the main dwelling and will not be visible from the streetscape or the abutting residential property. For the dwelling structure staff note that along the frontage of the property the "Average Grade", from which height is measured, is below grade, thereby making the dwelling appear shorter than requested. Furthermore staff note that the height request is only to a portion of the roof and does not represent the proposed condition for the entirety of the dwelling.

Given the above Planning staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

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

Planning staff are satisfied that the variances, both individually and cumulatively, are minor in nature. They will not have significant impacts to either the surrounding context or the streetscape. Staff are also of the opinion that the application represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, 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 new dwelling will be addressed through the Building Permit Process.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Amy Campbell, Planner-in-Training

## **Appendix 3 – Region of Peel**

### **Minor Variance Application: A-22-657M / 6970 Old Creditview Road**

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

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services