

City of Mississauga Department Comments

Date Finalized: 2023-03-15	File(s): A769.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-03-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred

Application Details

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

1. A dwelling height of 9.76m (approx. 32.02ft) whereas By-law 0225-2007, as amended, permits a dwelling height of 9.0m (approx. 29.52ft) in this instance;
2. A dwelling unit depth of 29.70m (approx. 97.44ft) whereas By-law 0225-2007, as amended, permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance;
3. A maximum accessory structure(cabana) height of 4.29m (approx. 14.07ft) whereas By-law 0225-2007, as amended, permits an accessory structure height of 3.5m (approx. 11.48ft) in this instance;
4. A maximum area of 32.5 sq.m(approx. 349.82sq.ft) occupied per accessory structure(cabana) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00 sq.m(approx. 215.27sq.ft) occupied per accessory structure in this instance;
5. A minimum combined width of 6.57m (approx. 21.55ft) of the side yards whereas By-law 0225-2007, as amended, requires a combined width of 7.38m (approx. 24.21ft) of the side yards in this instance;
6. A maximum area of 25.2 sq.m(approx. 271.25sq.ft) occupied per accessory structure(pergola) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00 sq.m(approx. 215.27sq.ft) occupied per accessory structure in this instance; and,
7. A maximum combined area of 65.17 sq.m(approx. 701.48sq.ft) for all accessory buildings or structures whereas By-law 0225-2007, as amended, permits a combined area of 60.00 sq.m (approx. 645.83sq.ft) for all accessory structures in this instance.

Background

Property Address: 1228 Kane Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

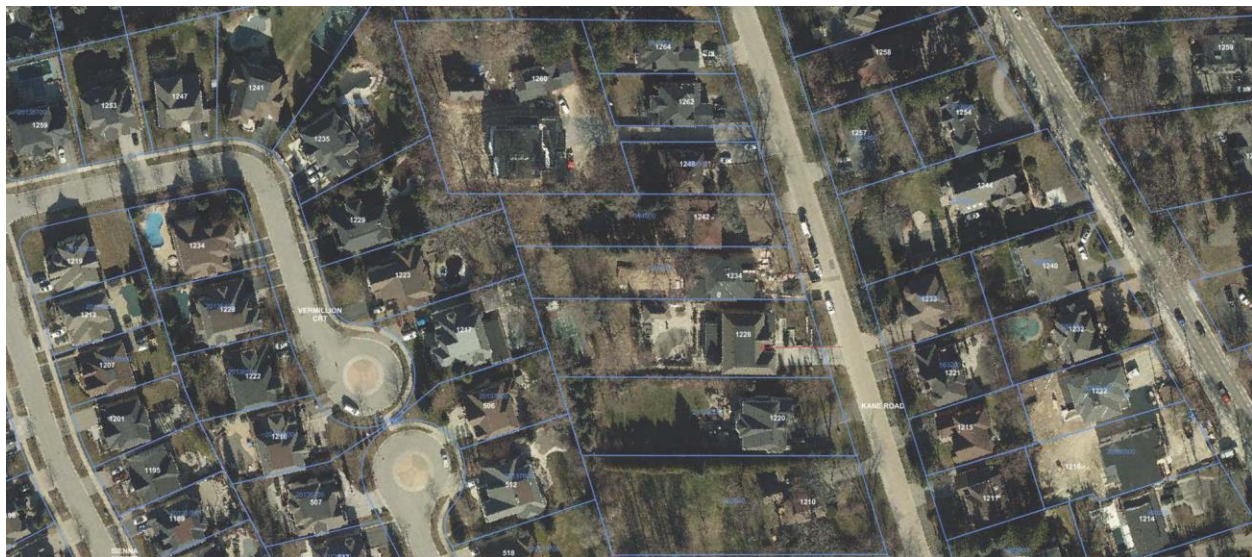
Zoning: R1-3-Residential

Other Applications: Building Permit under file 22-2450

Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the rear yard.

The applicant requests the Committee to permit a residential addition requiring variances related to dwelling height, accessory structure height, areas and combined side yard width.



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 I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

Planning staff note that the requested variances may be inaccurate and additional variances, including a variance for gross floor area, may be required. Zoning staff have also requested additional information in order to verify the accuracy of the requested variances and to determine if additional variances are required.

Furthermore, Planning staff note concerns with variances #2, 3, 4, 6 and 7. 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. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory to the principle use. Furthermore, that there are no massing concerns to neighbouring lots. Planning staff are of the opinion that the proposed dwelling depth (variance #2) is excessive and will create significant massing concerns. Staff are also of the opinion that the proposed accessory structures are not accessory, proportional to the lot or dwelling and will pose massing concerns to adjacent properties. The applicant is seeking relief from both the individual and combined area requirements for accessory structures, while proposing a height of 4.29m (14.07ft, which is 0.79m (2.59m) over the permitted 3.5m (11.48ft) maximum for one of the structures.

As such, Planning staff recommend the application be deferred to give the applicant an opportunity to meet with staff to discuss the concerns identified above and to redesign the dwelling and accessory structures in an effort to address those concerns to address concerns. Furthermore, Planning staff recommend that the applicant meet with Zoning staff to ensure the accuracy of the requested variances and to determine if additional variances are required.

Staff recommend that the application be deferred to address the concerns raised above.

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 and cabana are being addressed by our Development Construction Section through the Building Permit process BP9 ALT-22/2450.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building Permit under file 22-2450. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be 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: Sherri Takaloo, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-769/22 – 1228 Kane Road

Development Engineering: 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.

Comments Prepared by: Patricia Menko, Junior Planner