

City of Mississauga Department Comments

Date Finalized: 2023-03-28 REVISED	File(s): A27.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
2. 2 driveways whereas By-law 0225-2007, as amended, permits a maximum of 1 driveway in this instance;
3. A driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.6m (approx. 1.97ft) in this instance;
4. An eaves height of 7.41m (approx. 24.31ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
5. A gross floor area –infill of 762.43sq m (approx. 8206.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill of 489.04sq m (approx. 5263.98sq ft) in this instance.

Amendments

Following discussions with staff, the applicant submitted a revised gross floor area variance and drawings on March 16th, 2023. As such, staff recommend that variance #5 be amended as follows:

1. A gross floor area –infill of 737.81m²(approx. 7941.72m²) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill of 489.04m² (approx. 5263.98ft²) in this instance

Background

Property Address: 1183 Mississauga Rd

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: SPI 22-101.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Indian Road and Mississauga Road intersection. The neighbourhood is east of the credit river, and is entirely residential consisting of one and two storey detached dwellings on large lots with significant mature vegetation in the front and rear yards. The subject property is vacant with mature vegetation in the front and side yards.

The application proposes a new two-storey dwelling requiring variances related to garages, driveways, eaves height and gross floor area.



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:

The property is located in the Clarkson – Lorne Park Neighbourhood Character Area is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designations permits detached dwellings; semi-detached dwellings and duplex dwellings. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character streetscape.

Variance #1 requests two attached garages. The intent in restricting the overall number of garages is to ensure that the detached dwelling remains residential in nature and to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. Additionally, the intent is to maintain a consistent streetscape while ensuring the garages are not the dominant feature of the dwelling. Staff has no concerns with the requested variance, as the additional garage is located on the north side of the dwelling, where the property slopes downward from front to back, and is not visible from the street.

Variances #2 and 3 pertain to driveways. The intent of the driveway setback is to ensure the opportunity for appropriate site drainage and to provide a visual separation between properties. The intent of limiting the number of driveways on a lot is to ensure safe access onto roadways

and to accommodate the zoning by-law's required amount of parking on private property with the remainder of the front yard being soft landscaped area. Planning staff are of the opinion that variances #2 and 3 are technical in nature. The property located directly west of the subject property (1187 Mississauga Road - "rear of the home"), shares access to Mississauga Road with the subject property via an easement over an existing driveway ("laneway"). The laneway is considered the second driveway in this instance and exists to provide the prime access point for the rear home, and access to the lower 2-car garage on the north side of the subject property. Staff are of the opinion that the second driveway is not visible from the street and is used for access, not additional parking.

Variances #4 and 5 pertain to eave height and gross floor area. 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 keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. Staff note that the proposed variances appear excessive; however, the subject property slopes downward at an extreme angle from front to back, creating a basement walkout. Given this condition, the basement is considered the first storey of the home per the zoning by-law, and thus the full basement (and lower garage) is included in the gross floor area calculation. Staff note that the dwelling meets coverage requirements, height and all setbacks. In addition, staff note that the eave height is measured from average grade, which is 1.56-1.97m (5.12-6.46ft) lower than the elevation of the street. Therefore, when viewing the dwelling from the street, it would appear to have an eave height of 5.44-5.85m (17.85-19.19ft), which does not require a variance. The proposed dwelling also incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as large windows, multiple rooflines and a staggered façade. The combination of these features help to minimize the overall massing impact in relation to the streetscape and neighbouring properties. Further, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character. It is Staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 by our Development Construction Section through the future Building Permit process.









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 22-101. Based on review of the information currently available in this permit application, variances # 1 – 4, as requested, are correct.

Furthermore, 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: Brandon Eidner, Zoning Examiner

Appendix 3- Region of Peel

Minor Variance Application: A-27/23 - 1183 Mississauga Road

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

Comments:

- The applicant is advised that arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.
- There is currently a sanitary sewer forcemain within Mississauga Road. Our records show that provisions were made to allow this property to connect at the time the forcemain was installed.
- Private easements may be required to facilitate services between 1183 Mississauga Road and 1187 Mississauga Road. Review of a site servicing drawing is required to determine whether these easements are required and where. If it is determined that private easements are required, they are to be registered prior to Region of Peel site servicing connection approval to the water and sanitary sewer within Mississauga Road.
- 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 water service within the road allowance may be required.
- All works associated with the servicing of this site will be at the applicant's expense.
- For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

Condition:

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Mississauga Road Scenic Corridor Cultural Heritage Landscape (CHL). A demolition permit was approved on July 13, 2021 (HAC-0054-2021). As part of this approval, a heritage impact assessment (HIA) was required for the rebuilding of the property in order to ensure that a new structure on the property conforms to the character of the Cultural Heritage Landscape. The terms of reference are available at <https://www.mississauga.ca/services-and-programs/building-and-renovating/heritage-properties/how-to-prepare-your-heritage-application/>.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5- Metrolinx

1183 Mississauga Rd

City Department and Agency Comments	File:A27.23	2023/03/20	10
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Metrolinx is in receipt of the minor variance application for 1183 Mississauga Rd to facilitate the construction of a new single detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

Comments Prepared by: Farah Faroque, Intern