

# City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A45.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 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, 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 minor variances to allow the construction of an addition proposing:

1. A dwelling depth of 23.32m (approx. 76.50ft) whereas By-law 0225-2007, as amended, permits a dwelling depth of 20.00m (approx. 65.61ft) in this instance;
2. An existing height of 11.67m (approx. 38.28ft) whereas By-law 0225-2007, as amended, permits a height of 9.00m (approx. 29.52ft) in this instance; and,
3. An eaves height of 7.25m (approx. 23.78ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.4m (approx. 20.99ft) in this instance.

## Background

**Property Address:** 77 Ben Machree Drive

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R15-2-Residential

**Other Applications: PREAPP 21-7262****Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low density residential, containing one and two storey detached dwellings with significant mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing the construction of an addition requiring variances related to dwelling depth, dwelling and eave 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 I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

The intent of the infill regulations is to regulate and maintain compatibility between the massing of new and existing dwellings and to ensure they are compatible with the surrounding area.

With respect to variance #1, staff note that the proposed dwelling depth is generally consistent with the existing dwelling depth. Only two small walls contained in the proposal exceed the existing dwelling's depth. These walls are design features, which border a new covered porch. Staff have no concerns with additional depth created by these features, as they visually assist in breaking up the massing of the dwelling's facade. The proposal also contains a variety of architectural materials and design features 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.

Staff note that variance #2 and 3 represent existing conditions. The proposal contains multiple rooflines and the overall height variance is only required to one roof. The existing dwelling was constructed prior to the adoption of infill regulations contained in the zoning by-law. Staff note a discrepancy between average grade and the grade at where the dwelling sits. When standing on the subject property perpendicular to the façade, the dwelling would appear shorter than the values of the variances. Staff have reached out to the agent to request more information to determine the value of the discrepancy; but have not received a response at the time of the preparation of this report.

It is staff's opinion that the proposed addition will improve the appearance of the dwelling when viewed from the street. The existing projecting garage is a dominant feature of the dwelling. The applicant's proposal will align the existing dwelling's face with the existing projecting garage, deemphasizing the garages impact to the streetscape. Staff are of the opinion that the proposal is sympathetic to the surrounding area and will pose a minimal impact on 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 addition 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 processed an application under file PREAPP 21-7262. Based on review of the information currently available in this application, the following variance, as requested is correct:

3. An eaves height of 7.25m (approx. 23.78ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.4m (approx. 20.99ft) in this instance.

We also advise that more information is required in order to verify the accuracy of the remaining requested variance(s) or to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 04/05/2022 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: Jeanine Benitez, Zoning Examiner

### **Appendix 3 – CVC Comments**

**Re: CVC File No. A 23/045**  
**Municipality File No. A 45/23**  
**Jolene Leon**  
**77 Ben Machree Drive**  
**City of Mississauga**

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

1. 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)*;
2. 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;
3. 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 located within the shoreline hazard associated with Lake Ontario. 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).

**Proposal:**

The property owner of 77 Ben Machree Drive, zoned R15-2-Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve minor variances to allow the construction of an addition proposing:

1. A dwelling depth of 23.32m (approx. 76.50ft) whereas By-law 0225-2007, as amended, permits a dwelling depth of 20.00m (approx. 65.61ft) in this instance;
2. An existing height of 11.67m (approx. 38.28ft) whereas By-law 0225-2007, as amended, permits a height of 9.00m (approx. 29.52ft) in this instance; and,
3. An eaves height of 7.25m (approx. 23.78ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.4m (approx. 20.99ft) in this instance.

**Comments:**

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the requested minor variance application 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

**Appendix 4- Region of Peel Comments****Minor Variance Application: A-45/23 – 77 Ben Machree Drive**

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](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).

Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:**

- Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation Authority (CVC). Regional Planning staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner