

# City of Mississauga Department Comments

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| Date Finalized: 2023-04-12                | File(s): A85.23                       |
| To: Committee of Adjustment               | Ward: 1                               |
| From: Committee of Adjustment Coordinator | Meeting date:2023-04-20<br>3:30:00 PM |

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

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

1. A dwelling depth of 24.23m (approx. 79.49ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A driveway width of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
3. A garage area of 82.82sq m (approx. 891.47sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
4. A front yard setback to the porch steps of 8.95m (approx. 29.36ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) in this instance;
5. A front yard setback to the roof overhang of 9.52m (approx. 31.23ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 11.55m (approx. 37.89ft) in this instance;
6. A combined side yard setback width of 12.13m (approx. 39.80ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback width of 12.62m (approx. 41.40ft) in this instance;
7. A walkway width attachment of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width attachment of 1.50m (approx. 4.92ft) in this instance; and,
8. A driveway width (beyond 6.00m in front of the garage) of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

## Background

**Property Address:** 1430 Carmen Dr

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Greenlands & Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-2 - Residential and G1-Greenland

**Other Applications:** File SPI 22-6 W1

### Site and Area Context

The subject property is located southwest of the Kenmuir Avenue and South Service Road intersection. The surrounding area context is primarily residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property is currently vacant with mature vegetation throughout the lot.

The applicant is proposing a new one-storey dwelling requiring variances related to dwelling depth, driveway width, garage area, front yard setbacks, side yard setbacks, and walkway 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 located in the Mineola Neighbourhood Character Area and is designated Greenlands & Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

The applicant has requested the Committee to approve minor variances to allow the construction of a new dwelling on the subject property. Planning staff have no concerns with the applicant's proposal in principal, however, staff have noticed multiple discrepancies between the submitted drawings and the requested variances. Planning staff are unable to locate dimensions associated with variances #1, 2, 4, 5 and 8 on the drawings submitted. Furthermore, many dimensions are provided in imperial measurements.

As such, Planning staff are unable to complete a full review of the application at this time and recommend the application be deferred to give the applicant an opportunity to identify all dimensions associated with the above noted variances on the drawings. Planning staff also recommend that drawings be revised to include metric measurements.

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 new 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 processed an application under file SPI 22-6 W1. Based on review of the information currently available in this application, the following variances, as requested are correct:

1. A dwelling depth of 24.23m (approx. 79.49ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;

4. A front yard setback to the porch steps of 8.95m (approx. 29.36ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 10.40m (approx. 34.12ft) in this instance;
5. A front yard setback to the roof overhang of 9.52m (approx. 31.23ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 11.55m (approx. 37.89ft) in this instance;
6. A combined side yard setback width of 12.13m (approx. 39.80ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback width of 12.62m (approx. 41.40ft) in this instance;
7. A walkway width attachment of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width attachment of 1.50m (approx. 4.92ft) in this instance; and,
8. A driveway width (beyond 6.00m in front of the garage) of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

We also advise that the following variances should be amended as follows:

2. A driveway width (within 6.00m in front of the garage) of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
3. A garage area of 82.85sq m (approx. 891.79sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;

More information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 08/25/2022 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 – Parks, Forestry & Environment**

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

The lands to the rear of the property are owned the City of Mississauga, identified as Not To Be Named (P-237) \*(SE of Elaine Tr, NW of Claredale Rd.), classified as a 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.

Should the application be approved, Community Services provides the following notes:

- 1. Construction access from the adjacent park/greenlands 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – CVC Comments**

**Re: CVC File No. A 23/085**  
**Municipality File No. A 85/23**  
**George and Iva Pačlik**  
**1430 Carmen 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 regulated for floodplain and valley slope associated with Cooksville Creek. 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 1430 Carmen Dr, zoned R1-2 - Residential and G1-Greenland, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests to Committee to approve a minor variance application to allow the construction of a new dwelling proposing:

1. A dwelling depth of 24.23m (approx. 79.49ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A driveway width of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
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8. A driveway width (beyond 6.00m in front of the garage) of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) 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. CVC staff have reviewed the proposed development through pre-consultation (PD 21/171) and Site Plan Approval application (SP 22/006).

A CVC permit is required for the development as proposed. CVC staff are currently reviewing the CVC permit application (FF 23/074).

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 5 - Region of Peel Comments****Minor Variance Application: A-85/23 – 1430 Carmen 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).
- There is a Regional sanitary sewer easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

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