

City of Mississauga Department Comments

Date Finalized: 2023-04-26	File(s): A12.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. An eave encroachment of 0.44m (approx. 1.44ft) into the reduced side yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;
2. An eave encroachment of 0.42m (approx. 1.38ft) into the reduced side yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;
3. A circular driveway with access points on the front and exterior yard whereas By-law 0225-2007, as amended, permits a circular driveway with access points in one yard only in this instance;
4. A combined circular driveway access points width of 10.30m (approx. 33.79ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of 8.50m (approx. 27.89ft) in this instance;
5. A driveway width of 14.63m (approx. 48.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
6. A driveway width for the portion of the driveway within 6.00m of the garage of 14.63m (approx. 48.00 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
7. A garage floor area of 78.04sq m (approx. 840.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00sq m (approx. 807.29sq ft) in this instance;
8. An exterior side yard setback to the dwelling of 4.69m (approx. 15.39ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
9. An exterior side yard setback to the eave overhang of 4.27m (approx. 14.01ft) whereas

By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;

10. An exterior side yard setback to the window well of 4.19m (approx. 13.75ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;

11. An interior side yard setback to the dwelling of 2.67m (approx. 8.76ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.00m (approx. 9.84ft) in this instance;

12. An interior side yard setback to the eaves overhang of 2.23m (approx. 7.32ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.00m (approx. 9.84ft) in this instance;

13. A driveway width of 14.63m (approx. 48.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;

14. An eaves height of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

15. A gross floor area (infill residential) of 555.44sq m (approx. 5978.71sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 453.20sq m (approx. 4878.20sq ft) in this instance;

16. A garage projection beyond the front wall of 0.32m (approx. 1.05ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance and,

17. A dwelling unit depth of 22.52m (approx. 73.88ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance.

Background

Property Address: 1307 Greenoaks Dr

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands; Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 - Residential

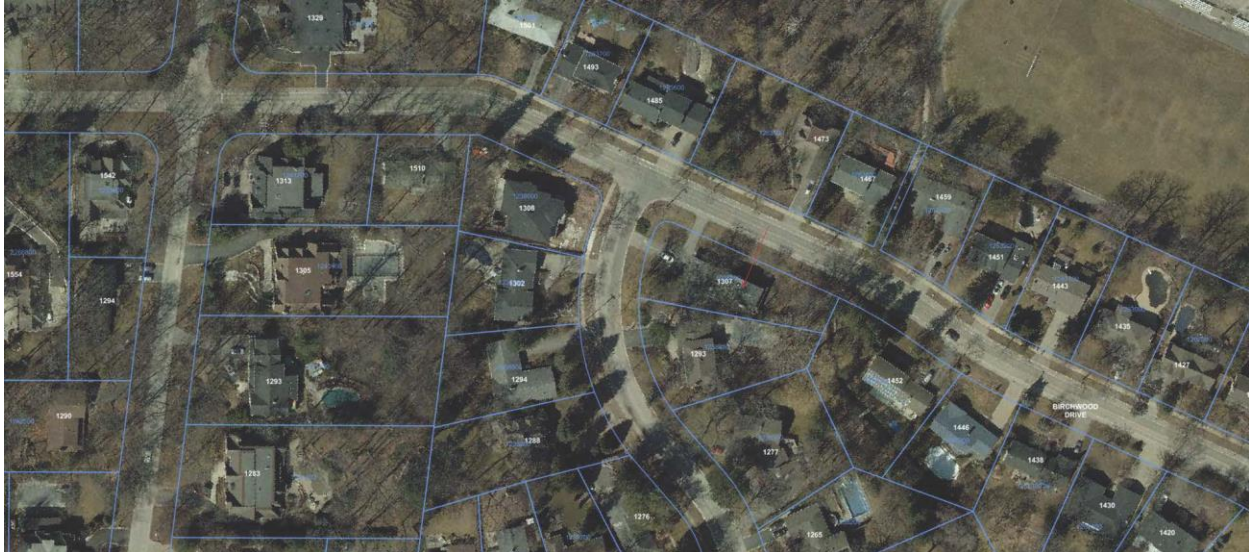
Other Applications: SPI 22-138

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Character Area, west of the Lorne Park Road and Birchwood Drive intersection. The immediate neighbourhood primarily consists

of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with significant hardscaping, and vegetation in the front and side yards.

The applicant proposes a new two-storey detached dwelling requiring variances for setbacks, encroachments, gross floor area, dwelling depth, garage projection, walkways, and a circular driveway.



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 Greenlands and Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The entirety of the applicant's proposal is located on lands designated Residential Low Density I, which permits detached, semi-detached and duplex dwellings.

Staff are concerned with the significant amount of hardscaping proposed in the front yard. Furthermore, the proposed driveway would be able to accommodate more parking than the required two spaces for a detached dwelling. Lastly, Transportation and Works staff have identified safety and traffic related concerns with the proposal to permit a circular driveway with access points on two municipal right-of-ways.

Planning staff also require a breakdown of the subject property's lot area, providing the areas of lands designated Residential Low Density I and Greenlands, in order to evaluate variance #15

(gross floor area). Planning staff have no immediate concerns regarding the remaining variances.

Based on the preceding information, staff recommend that the application be deferred.

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 Building Permit under file SPI 22-138. 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: Maria Fernandez, Zoning Examiner

Appendix 3 – CVC Comments

Re: CVC File No. A 23/012
Municipality File No. A 12/23
Farhan Siddiqui
1307 Greenoaks 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 erosion hazard limits of a confined valley slope and regional floodplain associated with Birchwood 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:

It is our understanding that the property owner of 1307 Greenoaks Dr, zoned R2-4 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. An eave encroachment of 0.44m (approx. 1.44ft) into the reduced side yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;

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17. A dwelling unit depth of 22.52m (approx. 73.88ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) 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 22/111) and a Site Plan Approval application (SP 22/137).

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**Minor Variance Application: A-12/23 – 1307 Greenoaks 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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.

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

Comment:

- The subject land is located within the Credit Valley Conservation Authority (CVC) floodplain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Patrycia Menko, Junior Planner