

City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): A110.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 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 the accuracy of the requested variance and that additional variances are not required.

Application Details

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

1. An accessory structure area for the pergola of 37.10sq m (approx. 399.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. A building or structure, other than an attached garage, that is connected to a dwelling by an underground corridor or hallway, or by a corridor or hallway above grade with a width less than 5.0m (approx. 16.40ft) at any point shall not be considered an accessory building or structure whereas By-law 0225-2007, as amended, requires it to be considered an accessory building or structure in this instance.
3. An attached garage to not be considered an accessory building or structure whereas By-law 0225-2007, as amended, requires the attached garage to be considered an accessory building or structure in this instance;
4. A driveway walkway attachment width of 9.81m (approx. 32.19ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
5. A dwelling unit depth of 27.04m (approx. 88.71ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
6. A combined side yard width of 9.45m (approx. 31.00ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 18.01m (approx. 59.09ft) in this instance;
7. A height to the highest ridge of 11.73m (approx. 38.48ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this

instance;

8. An eaves height of 11.20m (approx. 36.75ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

9. A side yard setback to the roof overhang (eaves) of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a side yard setback to the roof overhang (eaves) of 2.41m (approx. 7.91ft) in this instance;

10. The combined width of two points to access of a circular driveway be 11.15m (approx. 36.58ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of 8.50m (approx. 27.89ft) in this instance;

11. A driveway width of 16.32m (approx. 53.54ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;

12. A driveway area covering 54.9% of the front yard whereas By-law 0225-2007, as amended, permits a maximum driveway area to cover 50% of the front yard in this instance; and,

13. A front yard setback to the roof overhang of 9.85m (approx. 32.32ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance.

Amendments

The applicant has provided staff with revisions to the above noted minor variances, as such, staff recommend that variance #12 be removed, and variance #4 be amended as follows:

4. A driveway walkway attachment width of 4m (approx. 13.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1390 and 1400 Captain Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-2- Residential

Other Applications: Site Plan application under file SPI 22-3.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood, south east of the Southdown Rd. and Lakeshore Rd. W. intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. Staff note that 1390 and 1400 Captain Court were once two separate parcels that have since merged due to the lots falling into same ownership. As such, the existing property contains two one-storey detached dwellings with vegetation throughout.

The applicant is proposing a new two-storey dwelling requiring variances relating to accessory structure area, walkway attachment, driveway width, side yard widths, dwelling height, eave height and setbacks.



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 site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings.

Variance #1 pertains to accessory structure area. Staff are of the opinion that the proposed structure is proportional to the lot, does not present any massing concerns and is clearly accessory to the dwelling. Furthermore, the proposed structure only covers approximately 0.6%

of the land area and the footprint of the detached dwelling covers approximately 16 times more of the land area than the accessory structure. Therefore, the coverage of the accessory structure in relation to the land area and dwelling is minimal. Lastly, additional structures exist on the subject property, however, the combined area of these structures and the proposed structure are below the 60m² (645.84ft²) combined area requirement.

Variances #2 and 3 pertain to a hallway and garage. Staff are of the opinion that these variances are technical in nature and are required in order for the entire proposal to be considered as one building not two.

Variance #4 is for a walkway attachment. The applicant has revised their proposal and is now proposing a walkway width attachment of 4m (13.12ft). Staff note that the applicant is proposing to utilize the walkway attachment to access a future boat launch in the rear yard. Staff are of the opinion that the attachment will not be utilized for parking purposes.

Variance #4 relates to dwelling depth. Staff note that this variance is technical in nature, as the dwelling depth dimension is taken diagonally across the two-storey curved portion of the dwelling. Staff note that the dwelling's walls facing the adjacent neighbours to the east and west are 16.82m (55.18ft) and 21.18m (69.49ft) deep, respectively. The westerly wall measuring 21.18 (69.49ft) exceeds the depth requirement; however, it is limited to only the first storey portion of the dwelling and the increase of depth is marginal. The easterly wall would not require a dwelling depth variance. As such, staff is satisfied that the proposed dwelling depth will not pose massing concerns.

Variance #6, 9 and 13 are required for combined side yard width and setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood.

Variances #7 and 8 pertain to height. Staff note that the proposed dwelling contains multiple rooflines. Variances #7 and 8 are required to accommodate one portion of the overall roofline on the proposed dwelling. Furthermore, the values of variance #7 and 8 are to the highest points of the roof. The rest of the roof slopes downward. As such, the variances are only required to two single points. Lastly, staff note a 1.13m (3.71ft) discrepancy between the ground floor's elevation and average grade. As such, the dwelling would appear 1.13m (3.71ft) shorter when standing on the front lawn of the subject property. Would this be in line with the intent of the by-law? If so say so

Variances #10 and 11 are for the proposed driveway. Staff are of the opinion that the proposed driveway width is technical in nature as the measurement is taken diagonally across the proposed circular driveway. The proposed driveway maintains a width of 4.6m (15.09ft) to 6.2m (20.34ft) along the travelled portion of the driveway, which is below the maximum driveway width requirement.

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 application under file SPI 22-3. 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: Alana Zheng, 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 by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Ratray Marsh (P-126). These lands are 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...;

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.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Credit Valley Conservation Comments

Re: CVC File No. A 23/110
Municipality File No. A 110/23
Jo-Anna & David Schroeder
1390 & 1400 Captain Court

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 shoreline hazards 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:

It is our understanding that the property owner of property owner of 1390 and 1400 Captain Court, zoned R1-2- 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 accessory structure area for the pergola of 37.10sq m (approx. 399.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. A building or structure, other than an attached garage, that is connected to a dwelling by an underground corridor or hallway, or by a corridor or hallway above grade with a width less than 5.0m (approx. 16.40ft) at any point shall not be considered an accessory building or structure whereas By-law 0225-2007, as amended, requires it to be considered an accessory building or structure in this instance.
3. An attached garage to not be considered an accessory building or structure whereas By-law 0225-2007, as amended, requires the attached garage to be considered an accessory building or structure in this instance;

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5. A dwelling unit depth of 27.04m (approx. 88.71ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
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13. A front yard setback to the roof overhang of 9.85m (approx. 32.32ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) 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 21/203) and a Site Plan Approval application (SP 22/003).

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 5- Region of Peel Comments**Minor Variance Application: A-110/23 – 1390 & 1400 Captain Court**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.

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

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC) and floodplain. We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements 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