

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A248.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition and an accessory structure proposing:

1. An interior side yard setback of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
2. A combined side yard width of 3.511m (approx. 11.52ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 4.876m (approx. 16.00ft) in this instance;
3. An eave overhang of 0.711m (approx. 2.33ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang of 0.450m (approx. 1.48ft) in this instance;
4. A lot coverage of 35.02% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
5. An accessory structure height of 3.871m (approx. 12.70ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
6. An area occupied by an accessory building/structure of 62.85sq m (approx. 676.51sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance; and,
7. A combined area occupied for all accessory buildings/structures of 62.85sq m (approx. 676.51sq ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of 60.00sq m (approx. 645.84sq ft) in this instance.

Amendments

We advise that the variances should be amended as follows:

1. An right interior side yard setback of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
2. A combined side yard width of 2.089m (approx. 6.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 4.876m (approx. 16.00ft) in this instance;
3. An eave overhang set back to the right interior lot line of 0.922m (approx. 3.03ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m, with a setback of 1.35m (approx. 4.43ft) in this instance;
4. A lot coverage of 35.02% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
5. An accessory structure height of 3.871m (approx. 12.70ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
6. An area occupied by an accessory building/structure of 62.85sq m (approx. 676.51sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
7. A combined area occupied for all accessory buildings/structures of 62.85sq m (approx. 676.51sq ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of 60.00sq m (approx. 645.84sq ft) in this instance; and,
8. An eave overhang set back to the left interior lot line of 1.097m (approx. 3.60ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m, with a setback of 1.35m (approx. 4.43ft) in this instance.

Background

Property Address: 1516 Woodeden Drive

Mississauga Official Plan

Character Area: Clarkson - Lorne Park NHD
Designation: Res Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 - Residential

Other Applications: BP 9ALT 23-6080

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south-west of the Caldwell Avenue and Woodeden Drive intersection. The immediate neighbourhood is predominantly residential, consisting of one and two-storey detached dwellings with mature vegetation and landscape elements in the front yard. The subject property contains a one-storey dwelling with some vegetation in the property's front yard.

The applicant is proposing an addition and an accessory structure requiring variances related to setbacks to the dwelling and eaves, lot coverage, accessory structure height and 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is to be compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposed addition and accessory structure are appropriately located to the rear of the property and will not create any undue impacts to the streetscape and the surrounding context.

Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1-#3, and #8 all pertain to a reduction in side yard setbacks to the proposed addition, the existing dwelling and eaves, individually and combined. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard ultimately remains unencumbered. Planning staff note that the proposed addition is in line with the existing side walls to maintain uniformity, thereby maintaining existing circulation around the dwelling. Furthermore the proposed eaves are appropriately sized to match the existing site conditions and maintain an appropriate setback. Finally, the reduction in the combined side yard width can be attributed to the existing dwelling, as no new changes are proposed to the south side of the residential dwelling.

Variance #4 pertains to an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the proposed addition to the main dwelling accounts for 27% of the total lot coverage, with the rest of the increase being attributable to the proposed deck and the covered cabana, which do not have the same massing impacts. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with the surrounding streetscape.

Variance #5-#7 pertain to an increase in the accessory structure height, area occupied and combined area occupied respectively. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the increased height is due to the peaked roof design of the accessory structure and that the proposed height represents a small deviation from what is currently permitted as of right in the zoning by-law. Furthermore staff note that the combined structures represent less than 5% of the total lot area, with the closed cabana representing 1.14% (+/-15m²) of the total lot area, and the rest of the area being attributed to the remaining covered outdoor paved area, which is open on three sides. While the proposal is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding a major portion of the structure reduces its massing impact. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands. Staff are satisfied that any massing impacts on abutting properties or the streetscape are minor in nature.

Given the above, Planning staff are of the opinion that the variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the proposed variances, both individually and cumulatively, will create only minor impacts to both the streetscape and abutting properties. Furthermore the proposal represents appropriate development of the subject property.

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 and accessory structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/6080.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 23-6080. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. An right interior side yard setback of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
2. A combined side yard width of 2.089m (approx. 6.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 4.876m (approx. 16.00ft) in this instance;
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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: Gary Gagnier; 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 adjacent to the property are owned by Hydro One Networks Inc., leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and zoned U – Utility.

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. As the adjacent lands to the property are owned by Hydro One, approval of encroachment shall be confirmed by the property owner.

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 – Trans-Northern Pipelines Inc

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Application for Minor Variance for the proposed development to allow for development of an addition and an accessory structure. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 10 foot right of way (RoW) on the adjacent property to the West of the property relating to the proposed development at 1516 Woodeden Drive Mississauga.

Please note the following in relation to the proposed development:

- Permanent structures are not allowed within the RoW and are requested to be setback 10 m from the RoW
- RoW visibility may not be impacted by accessory structure or other
- TNPI requests the design plans for review of any structures proposed within 30 m of the pipeline, with setback distances indicated on the plans.

Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

• **Prohibition — vehicles and mobile equipment** o (a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or

o (b) the vehicle or equipment is operated within the travelled portion of a highway or public road.

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless If there is to be development within the 30 metres prescribed area, including accessory structure and area, eave overhang and fencing, additional steps will be required. Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at : crossingrequestseast@tnpi.ca.

Comments Prepared by: Michelle Gruszecki, Property and Right-of-Way Administrator

Appendix 5 – Region of Peel

Minor Variance: A-23-248M - 1516 Woodeden 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.
- 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner