

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A295.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 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, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

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

1. A building area outside of the building envelope as per the R3-80 Zone whereas By-law 0225-2007, as amended, does not permit this in this instance; and,
2. A height to the parapet of 9.31m (approx. 30.54ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 1260 Kane Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

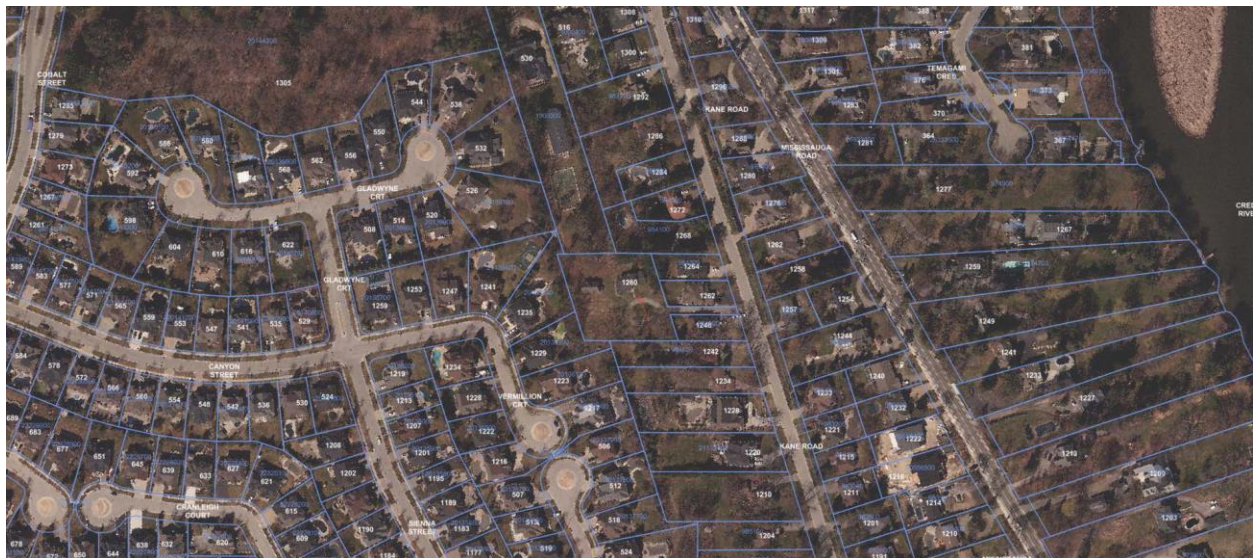
Zoning: R3-80- Residential

Other Applications: OZ 16/007 W2 and 21T-M 16002 (Draft Approved); B50.21; and, BP 9NEW 20-3729; A419.22,

Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. A private driveway from Kane Road leads to the subject property. The driveway is the only portion of the property with frontage on Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer/larger two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property is currently under construction.

The applicant requests the Committee to permit a dwelling proposing variances pertaining to buildable area and parapet 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 request are as follows:

The proposed development is subject to a 2019 Ontario Land Tribunal (OLT) decision that approved a site specific zoning by-law amendment and draft plan of subdivision for a two lot residential subdivision accessed by way of a main driveway onto Kane Road.

Application B50.21 was approved by the Committee on November 11, 2021, creating an easement for servicing and vehicular access over the private driveway for both lots to Kane Road.

The applicant received Committee approval of application A419.22 on October 20, 2022. Variances approved were with respect to dwelling depth, driveway width, garage projection and flat roof height.

Planning staff have no concerns with variance #1. This variance is required to accommodate the previously approved garage projection and dwelling depth, as they encroach into the buildable area approved by the Ontario Land Tribunal, shown on Schedule R3-80, Map 08 of Zoning By-law 0225-2007. Staff supported the applicant's proposal under application A419.22 and note that this proposal is generally consistent with application A419.22. As such, staff have no concerns with variance #1 and are of the opinion that it is technical in nature.

Variance #2 pertains to flat roof height. A flat roof height of 8.94m (29.33ft) was approved previously under application A419.22. Where staff noted in their report that there is a 1.42m (4.65ft) discrepancy between finished grade and average grade. Staff note that the design of the dwelling's facade has changed slightly and has resulted in an additional variance for the height of the parapet . Planning staff have no concerns with this variance, due to the discrepancy between finished grade and average grade. Furthermore, the drawings submitted are generally consistent with drawings contained in application A419.22. Lastly, the parapet spans only a small portion of the roof.

Through a detailed review of the application, staff are 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 are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-20/3729.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 20-3729. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 06/15/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-23-295M – 1260 Kane Road

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- 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: Patrycia Menko, Junior Planner

Appendix 4 – Heritage

There is a registered archaeological site on the property and requires a Stage 4 mitigation. The site has been registered in the Ontario Archaeological Sites Database and requires further archaeological assessment. Impacting or removing any part of the archaeological site outside of

the archaeological assessment process is contrary to the Ontario Heritage Act. The Province of Ontario requires that the property owner retain a consultant archaeological licensed in good standing, who is able to conduct Stage 4 assessment and mitigation. Archaeological work must be completed prior to any development, grading, excavation or any other form or type of land alteration within the property.

Comments Prepared by: Andrew Douglas, Heritage Analyst