

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A316.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 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 a detached garage proposing a detached garage flat roof height of 4.20m (approx. 13.78ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage flat roof height of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 640 Kedleston Way

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: BP 9ALT 23-7587

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, north of Mississauga Road. The immediate neighbourhood is primarily residential, consisting of one

and two-storey detached dwellings with mature vegetation in the front yards. The subject property is a corner lot with a proposed 2-storey detached dwelling with some vegetation in the front yard.\

The applicant is proposing a detached garage requesting a variance for flat roof 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 are as follows:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

Upon review of the applicant's drawings and Transportation and Works staff's site photos, Planning staff note that the proposal is under construction and is not being constructed to match the drawings submitted by the applicant.

Staff have no concerns regarding the applicant's proposal per the drawings submitted. While the height proposed appears excessive, it is to only one point. The remaining portion of the roof slopes downward to a height of 3m (9.84ft), which complies with the regulation. Lastly, where the detached garage faces the street, its height is 3m (9.84ft). Therefore there would be no impact to the streetscape. However, the under construction proposal does not match what is currently being constructed. Therefore Planning staff are unable to evaluate the applicant's proposal at this time and 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 detached garage are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/7587.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9ALT 23-7587. Based on review of the information currently available in this application, the variances, as requested are correct.

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 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- Trans-Northern Pipeline

RE: File/application No.: A316.23

Proposed Development location: 640 Kedleston Way, Mississauga

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Committee of Adjustment Notice of Public Hearing for the proposed development to allow for a minor variance under to allow for a detached garage. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 50 foot right of way (RoW) on the adjacent property traveling North to South to the proposed development relating to 640 Kedleston Way, Mississauga.

Please note the following in relation to the proposed development:

Paving is not allowed within the right-of-way and is requested to be setback 10 m from the RoW
Permanent above ground structures, including garages, must be outside of the RoW and are requested to be setback 10 m from the RoW

Fencing (not shown on the drawing) must remain out of the RoW, is requested to be setback 10 m from the RoW and must allow for unrestricted access to the RoW. Chain link style is required for any bordering fences

Please submit an updated plan, incorporating the above comments prior to permit request. 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

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless (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 (b) the vehicle or equipment is operated within the travelled portion of a highway or public road.

Additionally, should the applicant propose to cross the pipeline and Right-of-Way 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