

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A429.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 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 house proposing:

1. A flat roof height of 11.74m (approx. 38.52ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
2. A combined side yard width of 9.32m (approx. 30.58ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 12.34m (approx. 40.49ft) in this instance;
3. A garage projection of 4.25m (approx. 13.94ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
4. An eaves height of 8.36m (approx. 27.43ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A combined side yard of 20.34% whereas By-law 0225-2007, as amended, requires a minimum combined side yard of 27.00% in this instance;
6. A dwelling depth of 20.16m (approx. 66.14ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and,
7. A driveway width of 13.41m (approx. 44.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.70m (approx. 28.54ft) in this instance.

Background

Property Address: 1330 Oak Lane

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood, east of the Indian Road and Birchview Drive intersection. The neighbourhood is entirely residential consisting of one and two storey detached dwellings, on lots with mature vegetation in the front yards. The subject property is a one storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for heights, combined width of side yards, garage projection, dwelling depth and driveway width.



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 and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The Greenlands designation only permits development on properties if they are existing lots of record and are not within the regulatory storm floodplain or hazard lands associated with a valley and watercourse corridor. The proposed detached dwelling respects the designated land uses and applicable policies.

Planning staff are unable to provide comments on the applicant's proposal as the drawings and calculations provided appear incorrect. The site plan drawing provided is missing elements of the dwelling, such as the "portico", which is shown on the front and rear elevation drawings. Furthermore, staff is of the opinion that the applicant has incorrectly calculated the proposal's Gross Floor Area (GFA) Infill in accordance with the by-law's definition. Staff note that proposal also contains a significant amount of open to below space, which has not been shown in the "site statistics" table on the site plan drawing provided.

Lastly, Planning staff have identified concerns with the garage projection and driveway width proposed. Planning staff are of the opinion that the requested variances are excessive and do not meet the intent of the zoning by-law.

As such, Planning staff recommend that the application be deferred to allow the applicant an opportunity to discuss the proposal with Planning staff, and to submit a building permit application to allow Zoning staff the opportunity to review the proposal for accuracy and to identify any additional variances which may be required.

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

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-429M / 1330 Oak Lane

Development Engineering: Brian Melnyk (905)-791-7800 x3602**Comments:**

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- 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.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787**Comments:**

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). 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.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. 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.
- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy **2.14.18** of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.
- The subject land is located within a Core Woodland of the Greenlands System in Peel as identified under policy **2.14.12** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with certain

exceptions (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- CVC

Re: CVC File No. A23/429

Municipality File No. A429.23

Ekpreet Aneja

1330 Oak Lane

Lot 23 Con 2 SDS

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.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due flood and slope hazard associated with Lornewood Creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 applicant is requesting the Committee to approve a minor variance to allow construction of a new dwelling proposing:

1. A flat roof height of 11.74m (approx. 38.52ft) whereas By-law 0225-2007, as

amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;

2. A combined side yard width of 9.32m (approx. 30.58ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 12.34m (approx. 40.49ft) in this instance;
3. A garage projection of 4.25m (approx. 13.94ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
4. An eaves height of 8.36m (approx. 27.43ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A combined side yard of 20.34% whereas By-law 0225-2007, as amended, requires a minimum combined side yard of 27.00% in this instance;
6. A dwelling depth of 20.16m (approx. 66.14ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and,
7. A driveway width of 13.41m (approx. 44.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.70m (approx. 28.54ft) in this instance.

CVC COMMENTS:

Based on our review, the property is regulated due to slope and flood hazard associated with Lornewood Creek. We require further information to ensure that the proposed dwelling is appropriately setback from the slope hazard. As such, CVC recommend deferral of the proposed minor variance application as more information is required. The applicant is advised to contact CVC to ensure the proposal meets CVC's permitting requirements as it could change some of the minor variances proposed at this time.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner