

# City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A430.23
To: Committee of Adjustment	Ward: 1
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 front yard setback of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
2. An eave encroachment setback of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum eave encroachment setback of 8.55m (approx. 28.05ft) in this instance;
3. A eaves height of 7.79m (approx. 25.56ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A ridge height of 9.89m (approx. 32.45ft) whereas By-law 0225-2007, as amended, permits a maximum ridge height of 9.50m (approx. 31.17ft) in this instance;
5. A flat roof height of 7.63m (approx. 25.03ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance; and,
6. A combined side yard width of 4.99m (approx. 16.37ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.17m (approx. 20.24ft) in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file BP 9NEW 23-8466. Based on review of the information currently available in this permit application, should the Committee see merit in the applicant's request, we advise that the variances should be amended as follows:

1. A front yard setback of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;

2. An eave encroachment setback of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum eave encroachment setback of 8.55m (approx. 28.05ft) in this instance;
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5. A combined side yard width of 4.99m (approx. 16.37ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.17m (approx. 20.24ft) in this instance.

## Background

**Property Address:** 1363 Wendigo Trail

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Greenlands and Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-4- Residential

**Other Applications:** BP 9NEW-23/8466

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of the Stavebank Road and Mineola Road West intersection. The immediate area consists of one and two-storey detached dwellings on lots with significant mature vegetation throughout. The subject property contains an existing two-storey detached dwelling with limited vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for front yard setback, eave setback, eave height, ridge height and combined side yard 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/or watercourse corridor. The proposed detached dwelling respects the designated land uses and the applicable policies.

While larger dwellings are not out of character within the surrounding area, staff are of the opinion that the eave and ridge height are excessive, do not maintain compatibility with the existing dwellings in the neighbourhood, and do not preserve the neighbourhood's character. Staff are also of the opinion that the dwelling heights will cause significant massing issues that will directly impact neighbouring properties.

Based on the preceding information, staff recommend that the application be deferred to allow the applicant an opportunity to discuss the proposal with Planning staff and to redesign the dwelling to address the concerns raised above.

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, File BP 9NEW-23/8466.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 23-8466. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A front yard setback of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
2. An eave encroachment setback of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum eave encroachment setback of 8.55m (approx. 28.05ft) in this instance;
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permits a maximum ridge height of 9.50m (approx. 31.17ft) in this instance; and,

5. A combined side yard width of 4.99m (approx. 16.37ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.17m (approx. 20.24ft) in this instance.

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 – Region of Peel**

**Minor Variance:** A-23-430M / 1363 Wendigo Trail

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

#### **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](mailto: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](mailto: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](mailto: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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

#### **Appendix 4- CVC**

**Re: CVC File No. A23/430**  
**Municipality File No. A430.23**  
**Syam Rathod**  
**1363 Wendigo Trail**  
**Part of Lot 3, Concession 2**  
**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 property is partially regulated due to flood hazard associated with Kenolli 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 the following minor variances:

1. A front yard setback of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as



amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;

2. An eave encroachment setback of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum eave encroachment setback of 8.55m (approx. 28.05ft) in this instance;

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6. A combined side yard width of 4.99m (approx. 16.37ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.17m (approx. 20.24ft) in this instance.

**COMMENTS:**

CVC has previously reviewed and issued a permit for the proposed development as part of FF 22/332 and as such CVC has no concerns and no objection to the approval of this minor variances by the Committee 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](mailto: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