

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A204.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 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. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

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

1. A gross floor area (infill residential) of 803.51sq m (approx. 8648.91ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 717.09sq m (approx. 7718.69sq ft) in this instance;
2. A dwelling depth of 21.55m (approx. 70.70ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. An underside eaves height of 7.26m (approx. 23.82ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A cabana height of 3.70m (approx. 12.14ft) whereas By-law 0225-2007, as amended, permits a maximum cabana height of 3.50m (approx. 11.48ft) in this instance;
5. A combined side yard setback of 6.06m (approx. 19.88ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.35m (approx. 27.40ft) in this instance; and,
6. 3 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance.

Amendments

The Building Department is processing Building Permit application BP 9NEW 23-6469. Based on review of the information available in this application, we advise that the following variances, as requested, are correct:

2. A dwelling depth of 21.55m (approx. 70.70ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
5. A combined side yard setback of 6.06m (approx. 19.88ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.35m (approx. 27.40ft) in this instance;

We advise that the following amendment is required:

6. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance.

Background

Property Address: 1242 Tecumseh Park Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

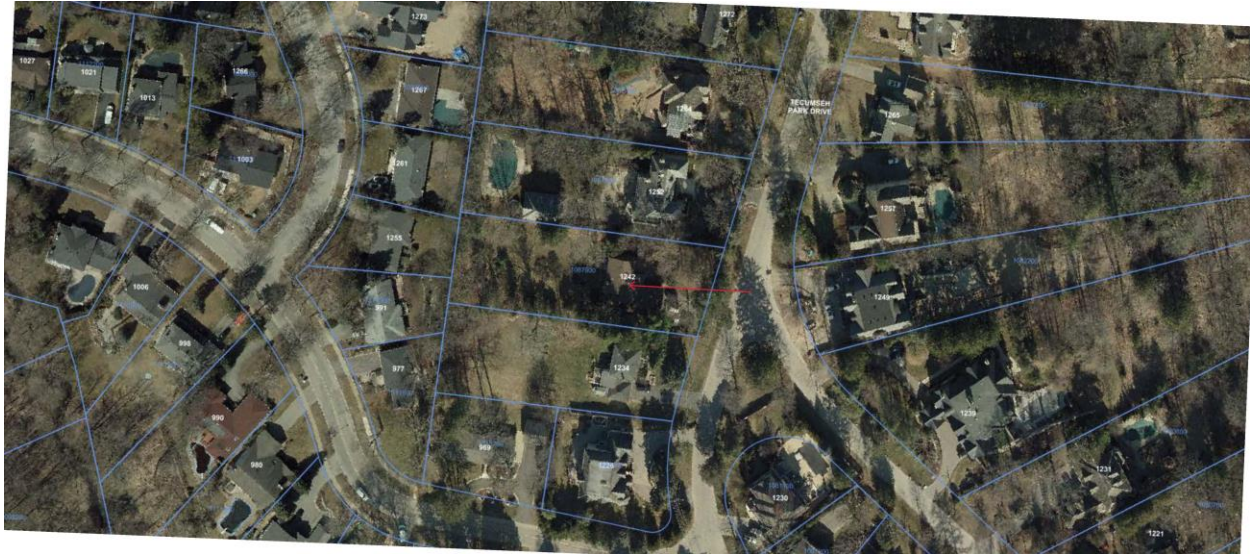
Zoning: R1-2- Residential

Other Applications:

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of the Tecumseh Park Drive and Indian Road intersection. The immediate neighbourhood is residential, consisting primarily of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The application proposes a new dwelling requiring variances related to gross floor area, dwelling depth, eave height, cabana height, combined side yards and number of garages.



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:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The proposed detached dwelling respects the designated land use.

The application was deferred on July 13th, 2023, to allow the applicant an opportunity to redesign the proposal and confirm the accuracy of the requested variances with Zoning staff.

The applicant has revised the proposal and no longer requires relief from overall height and front yard setback regulations. Furthermore, dwelling depth has been reduced from 24.68m (80.97ft) to 21.55m (70.70ft). Lastly, the applicant has reduced the eave height and cabana height variances. The eave height has been reduced from 7.37m (24.18ft) to 7.26m (23.82ft) and the cabana height has been reduced from 4.89m (16.04ft) to 3.7m (12.14ft).

Variance #1 pertains to gross floor area. Staff note that the proposed gross floor area remains the same, however, the detached dwellings depth and heights have been reduced which have an impact on its overall massing. As such, Planning staff are of the opinion that the dwelling has been redesigned to ensure its massing will not impose on adjacent properties or the street and are now of the opinion that it is appropriate development that fits within the character of the area.

With respect to dwelling depth (variance #2), Planning staff are of the opinion that the revised depth represents a minor increase and is only required for the northerly wall of the proposed dwelling. The northerly wall is staggered and maintains all setbacks to the northerly lot line. The southerly wall of the dwelling is 19.8m (64.96ft) at its widest, which does not require a variance.

Variances #3 and 4 pertain to eave and accessory structure height. Staff note that the proposal no longer requires an overall height variance. Furthermore, the proposed detached dwelling contains design features to mitigate its massing. As such, staff have no concerns regarding the proposed eave height. With respect to accessory structure height, staff are of the opinion that the revised height represents a negligible increase and therefore will not pose massing concerns.

Variance #5 pertains to combined side yard setbacks. Through a review of lots containing detached dwellings in the immediate area, staff note that the applicant's proposal is consistent with existing development.

Variance #6, as amended, is for number of garages. Staff have no concerns regarding this variance as one of the proposed garages is side loaded. Therefore, when viewing the detached dwelling from the street, only one of the garages will be seen.

Through a detailed review of the application, staff is of the opinion that the revised 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 will be addressed by our Development Construction Section through Building Permit BP 9NEW-23/6469.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-6469. Based on review of the information available in this application, we advise that the following variances, as requested, are correct:

2. A dwelling depth of 21.55m (approx. 70.70ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
5. A combined side yard setback of 6.06m (approx. 19.88ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.35m (approx. 27.40ft) in this instance;

We advise that the following amendment is required:

6. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance

We also advise that more information is required in order to verify the accuracy of the requested remaining variances or determine whether additional variances will be required.

Please note that comments reflect those provided through the above application submitted on 08/28/2023. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

Deferred: DEF-A-23-204M / 1242 Tecumseh Park Dr

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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 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 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 by email at siteplanservicing@peelregion.ca
- As per Peel Water Design Criteria Standard 4.3, "Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications..."
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner