

City of Mississauga Department Comments

Date Finalized: 2023-11-15	File(s): A442.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-11-23 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 dwelling depth of 22.85m (approx. 74.97ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
 2. A garage projection of 5.18m (approx. 17.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. ft) in this instance;
 3. A building height of 13.20m (approx. 43.31ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
 4. An eaves height of 10.88m (approx. 35.70ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
 5. A setback to the third floor of 2.62m (approx. 8.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the third floor of 3.02m (approx. 9.91ft) in this instance;
 6. A driveway width (within 6m of the garage) of 13.88m (approx. 45.54ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width (within 6 m of the garage) of 10.50m (approx. 34.45ft) in this instance;
 7. A driveway width of 13.39m (approx. 43.93ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
 8. An eave setback to the third floor of 1.63m (approx. 5.35ft) whereas By-law 0225-2007, as amended, requires a minimum eave setback to the third floor of 2.57m (approx. 8.43ft) in this instance;
 9. A balcony area of 12.76sq m (approx. 137.35sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony area of 10.00sq m (approx. 107.64sq ft) in this instance;
 10. A cabana area of 24.49sq m (approx. 263.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana area of 20.00sq m (approx. 215.28sq ft) in this instance;
- and,

11. A cabana height of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance.

Background

Property Address: 1090 Indian Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

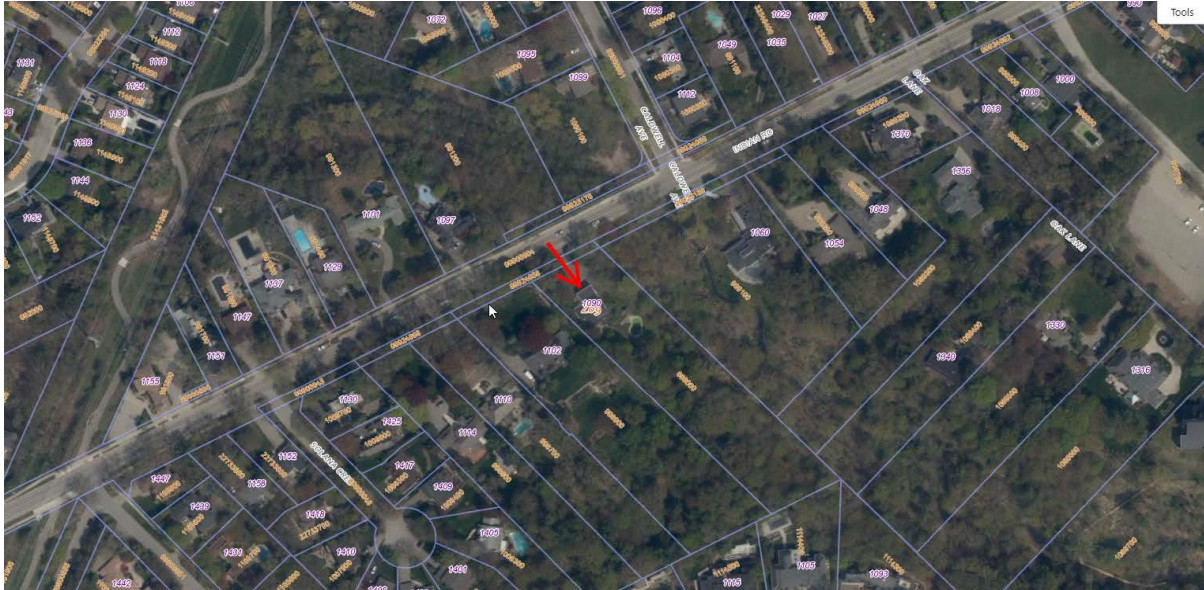
Zoning: R2-4- Residential

Other Applications: BP 9NEW-23/7012.

Site and Area Context

The subject property is located southeast of the Birchview Drive and Indian Road intersection. The surrounding area is primarily residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a three-storey detached dwelling requiring variances related to dwelling depth, garage projection, building and eave height, setbacks, driveway widths, balcony area, and cabana area and 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). This designation permits detached, semi-detached and duplex dwellings.

Planning staff has raised concerns with the application regarding the proposed building and eave height variances, specifically that these height deviations are excessive. Staff are of the opinion that the resulting massing of the dwelling will have a negative impact on the streetscape. The lack of adequate information on side elevation drawings has hindered staff's ability to assess potential impacts on adjacent properties to the east and west. The subject property is deep and therefore staff is of the opinion that the neighbouring property to the south will not be impacted by the proposal.

The subject property slopes downward from north to south and west to east, therefore its appearance is inconsistent, presenting as three storeys from the north (front) and west sides, four storeys from the south (rear), and two storeys from the east. The perceived height in storeys contributes to the concerns raised by the Planning staff, especially given that detached dwellings in the immediate area are primarily one or two storeys.

In addition to height concerns, staff have also identified issues with variances #6 and 7 related to driveway width. The intent of those regulations are to facilitate the entrance into a 3-car

garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. While it is acknowledged that the proposed driveway tapers toward the street, staff are of the opinion that the requested widths create unnecessary hardscaping in the front yard. Furthermore, a large portion of the hardscaping extends beyond the width of the three-car garage. Therefore, the proposed variances do not align with the intent of the zoning by-law.

Given these concerns, the staff is recommending a deferral of the application. This deferral is intended to provide the applicant with the opportunity to engage in discussions with Planning staff regarding issues identified above and potentially redesign the proposed dwelling and driveway.

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-23/7012. We also recommend review and approval from the Credit Valley Conservation Authority (CVC) as the property is within their regulated area.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-7012. Based on review of the information available in this application, we advise that the variances # 1 to #10, as requested, are correct.

We advise that following amendments are required:

11. A cabana height of 4.91 m (approx. 16.10ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance

12. An Accessory structure (unfinished storage unheated) area of to be confirmed (approx. sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;

Please note that comments reflect those provided through the above application. 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: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-442M / 1090 Indian Rd

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

Comments:

- 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...”
- 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
- 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 located within a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (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).
- 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

Appendix 4 – CVC

Re: CVC File No. A23/442

Municipality File No. A442.23

Vinita Tandom

1090 Indian Road

Part of Lot 23, Concession 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 property is partially regulated due to 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 the following minor variances:

1. A dwelling depth of 22.85m (approx. 74.97ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
2. A garage projection of 5.18m (approx. 17.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. ft) in this instance;
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11. A cabana height of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance.

COMMENTS:

Based on the review of the information, CVC staff have no concerns and no objection to the approval of the requested minor variance application by the Committee at this time.

The property is regulated by CVC and a CVC permit is required for the proposed works. CVC

is currently reviewing permit application for proposed works as part of FF 23/168.

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