

City of Mississauga Department Comments

Date Finalized: 2024-01-12	File(s): A18.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-01-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application. 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 the construction of a new house proposing a flat roof height of 10.31m (approx. 33.83ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 320 Indian Valley Trail

Mississauga Official Plan

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

Zoning By-law 0225-2007

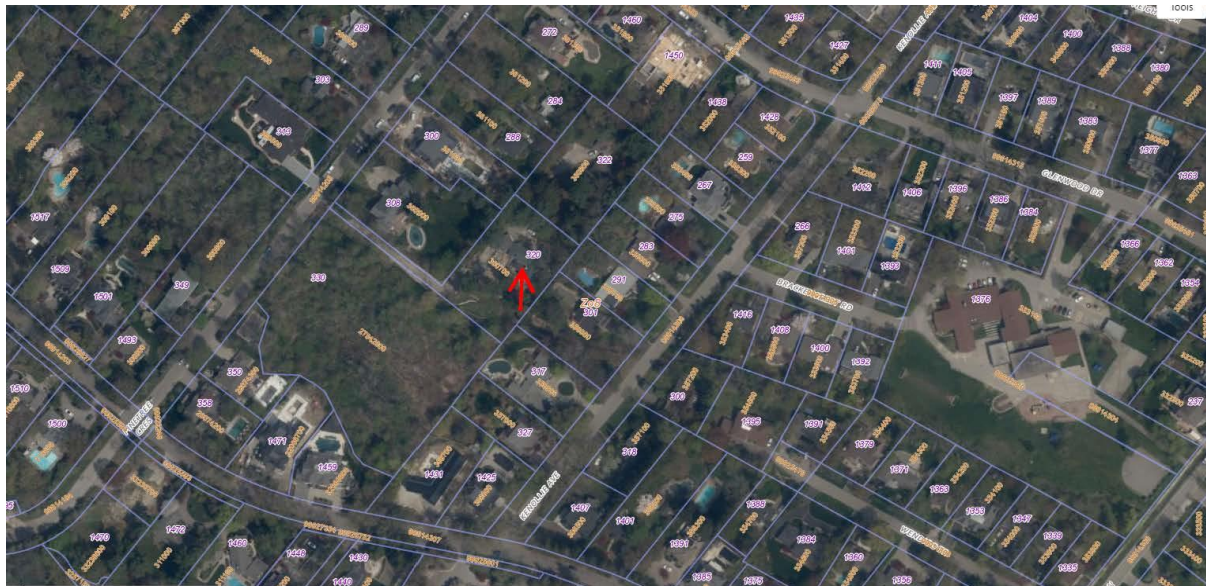
Zoning: R2-4- Residential

Other Applications: A211.21

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Hurontario Street and Indian Valley Trail. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. The subject property is a flag shaped lot and contains an existing one storey dwelling with significant mature vegetation throughout the lot.

The applicant is proposing a new two storey dwelling that requires a variance related to 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 of the four tests to this minor variance request are as follows:

The subject application contains similar drawings to what was supported by staff and approved by the Committee under application A211.21 on December 9, 2021.

The Committee's decision to approve the application was appealed by area residents to the Ontario Land Tribunal. Four individuals withdrew their appeals and two appellants pursued their appeals jointly. Prior to the hearing of the merits of the appeals, the Tribunal was informed that the Parties had come to a settlement, which they wished to present to the Tribunal for consideration. By way of the settlement, all issues and grounds for appeal expressed by the Appellants were addressed through an agreed reduction in building height of 0.3m (0.98ft) from what was approved by the Committee, and related revisions to the Site Plan and Elevation

Plans. Therefore, the Committee had previously approved a flat roof height of 10.27m (33.69ft) and eave height of 9.51m (31.20ft) and the OLT revised the flat roof height to 9.97m (32.69ft) and eave height to 9.21m (30.20ft).

According to the applicant's agent, this application is requesting to increase the maximum flat roof height approved by the OLT by 0.34m to 10.31m (33.83ft).

The OLT's decision was subject to a condition that "construction of the proposed development be substantially in accordance with the revised Site Plan and Building Elevations included in Attachment 2."

Staff note that the OLT's decision contains agreed upon facts regarding how height is calculated. In the absence of a building permit, the applicant may wish to confirm whether height has been calculated in accordance with the OLT's decision and to determine whether Zoning staff interpret height in the same manor.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Greenlands and Residential Low Density I in Schedule 10 of MOP. The Greenlands designation only permits development for existing lots of record. The intent of the Greenlands designation is to protect any natural feature and hazards on a site. Through a review of the site plan application, Credit Valley Conservation (CVC) Authority and the Transportation and Works and Community Services Department have no concerns regarding the Greenlands designation. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area of MOP, refer to urban design policies for infill housing. The policies state that new housing is encouraged to fit the scale and character of the surrounding area. The proposed dwelling is significantly setback from adjacent properties and is surrounded by existing mature vegetation that is planned to be maintained which will minimize any potential negative impact from the dwelling. As such, the proposed dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking a 0.34m (1.12ft) increase beyond the maximum height granted by the OLT. This equates to a flat roof height of 10.31m (33.83ft). Staff previously supported the same proposal for a flat roof height of 10.27m (33.69ft) under application A211.21. The numerical difference between the requested height variance and the height variance supported under application A211.21 is negligible. In an email to staff, the applicant's agent noted that the requested height increase is required to increase the height of the dwelling's foundation to avoid a water issue that was determined by a recent geotechnical study.

Planning staff has discussed this application with the City's Legal Council and are of the opinion that the requested variance can be considered by the Committee individually, apart from the remaining variances approved by the OLT, as each minor variance is evaluated based on its own merits.

Staff are also satisfied that the requested variance constitutes a revision that is substantially in accordance with the revised Site Plan and Building Elevations contained in the OLT's decision

regarding application A211.21. According to the applicant's agent, the design of the house and all other portions of the house remain the exact same as what was approved by the OLT.

While the increase in height would present concerns for any ordinary lot, staff have no concerns given unique characteristics of the property. The subject property is an abnormally large flag shaped lot with mature vegetation. As such, only a private driveway can be viewed from the street. The proposed dwelling will be positioned on the lot so that it cannot be viewed from the street and is significantly setback from neighbouring properties. The preservation of the existing mature vegetation located along the perimeter of the lot will minimize any potential impact to neighbouring properties because of the screening.

As such, staff are of the opinion that the proposed dwelling will not create any massing or shadowing concerns, or impact the character of the streetscape, given the property's unique features and location. Furthermore, it will not impact the character of the streetscape due to the location. Staff are therefore of the opinion that the general intent and purpose of the zoning by-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposal represents appropriate development of the subject property as the proposal poses no massing concerns on abutting properties or the street. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area as a new two-storey detached dwelling. Finally staff are satisfied that the requested variance, is both individually and cumulatively, minor in nature as the proposal will not create any undue impacts to adjoining properties.

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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not Yet Named (P-510) *(Between Indian Valley Trail and Kenollie Ave, East of Stavebank Rd).

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner-in-Training/Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner-in-Training

Appendix 4 – CVC

Please see below CVC comments for Minor Varaince application for proposed works at 320 Indian Valley Trail in Mississauga:

Please note that CVC previously reviewed and commented on the proposal for this application. We have no further comments and no objection to the revised Minor Variances by the Committee at this time. A CVC permit (FF 23/011) has been issued for the proposed works.

Please note, the property is regulated and any future development proposed will require a CVC permit.

If you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel

Minor Variance: A-24-018M / 320 Indian Valley Trl

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 may be 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 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