

City of Mississauga Department Comments

Date Finalized: 2024-01-10	File(s): A24.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-18 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 that all required variances have been accurately identified.

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 infill height of 8.382m (approx. 27.50ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
2. A gross floor area of 438.42sq m (approx. 4719.11sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 396.23sq m (approx. 4264.98sq ft) in this instance;
3. A dwelling depth of 20.32m (approx. 66.67ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. 2 driveways whereas By-law 0225-2007, as amended, permits a maximum of 1 driveway in this instance; and,
5. A driveway width of 11.39m (approx. 37.37ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

Background

Property Address: 1486 Stavebank Road

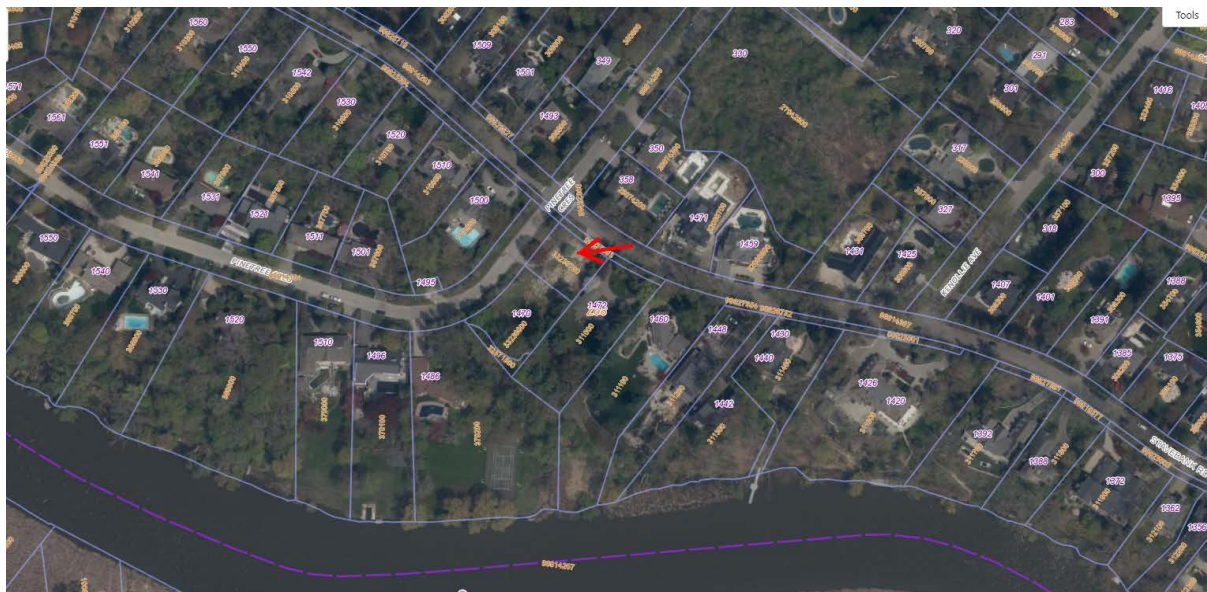
Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R1-2- Residential****Other Applications: none****Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, at the southwest corner of Hurontario Street and Indian Valley Trail. The neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property is vacant.

The applicant is proposing a new two storey detached dwelling, requiring variances related to gross floor area, roof height, dwelling depth, number of driveways 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 on Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Variance #1 pertains to flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to establish a difference between flat roofs and peak roofs that would have been permitted up to a height of 10.70m (35.11ft) and could accommodate a three storey dwelling. Staff note that proposed dwelling is two-storeys in height. Furthermore, there is a 1.27m (4.17ft) discrepancy between average grade and the grade at where the dwelling sits. Therefore, when standing on the property the dwelling would appear 1.27m (4.17ft) shorter at 7.11m (23.3ft), which is a minor increase over the permitted maximum height of 7m (22.97ft).

Variance #2 seeks approval for an increase in gross floor area. The proposed dwelling incorporates architectural features that breaks up the first and second storeys, contributing to a reduction in the overall visual massing of the dwelling. This design approach ensures that the proposed dwelling seamlessly aligns with the established character of the streetscape. As such, Planning staff is of the opinion that the proposed dwelling's design is not only harmonious with the intended character of the area but also respects the neighbourhoods' existing character.

Variance #3 requests an extension of dwelling depth beyond the prescribed limit of 20m (65.62ft). The proposed dwelling exceeds this regulation by a modest 0.32m (1.1ft). Planning staff perceives this increment as both numerically and substantively minor. Importantly, this slight increase is anticipated to exert a negligible impact on the streetscape and adjacent properties, with the overall character of the area remaining undisturbed.

Variance #4 relates to the allowance for two driveways. It is worth noting that the applicant has opted against proposing a new circular driveway, contrary to Transportation and Works staff's suggestions. The subject property currently features a circular driveway with access points onto Pinetree Crescent and Stavebank Road. However, the applicant aims to enhance the property's configuration by removing the central section of the circular driveway while retaining access points onto Pinetree Crescent and Stavebank Road. Following discussions with Planning staff, the applicant has agreed to narrow the width of the second driveway, accessible via Pinetree Crescent, to a mere 2.5m (8.2ft). This reduction, in the staff's view, significantly restricts its potential for parking, effectively transforming it into a walkway. As such, it would appear as though there is only one driveway with access onto Stavebank Road. As such, it is staff's belief that the proposed changes will enhance the overall condition of the existing driveway.

Variance #5 pertains to driveway width, with a specific focus on the section leading to Stavebank Road. Notably, the requested variance is applicable only to a small portion of the driveway, as the remaining stretch maintains a width of approximately 7.6m (24.93ft). While the offset design of the proposed driveway is acknowledged as irregular, staff, in consultation with Heritage Planning, recognizes that this configuration is deliberate. The unique design is a thoughtful response to avoid encroachment upon a designated Indigenous archaeological site.

City Department and Agency Comments	File:A24.24	2024/01/10	4
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Through a detailed review of the application, staff are of the opinion that the 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 the future Building Permit process.

With regards to variance number 4, Traffic Planning does not support a circular driveway / secondary access for the subject site. As per the TAC Geometric Design Guide for Canadian Roads, "Single family residential properties [are] normally restricted to one driveway, irrespective of frontage." Consistent with Traffic Engineering best practices, the number of accesses to the municipal road network are to be minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces, clearly identify which property each driveway serves, etc. In addition, in this particular instance we cannot see the rationale for having a circular driveway on this property.



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 – CVC

Re: CVC File No. A24/024

Municipality File No. A24.24

Ana Paula Viaro

0 Stavebank Road

Lot 4 Con 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 subject property is regulated due slope hazard associated with Stavebank Creek. The property is also regulated for a provincially significant wetland (Credit River Marshes Wetland Complex). 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 infill height of 8.382m (approx. 27.50ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
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COMMENTS:

Based on the review of the information provided, CVC staff have no concerns and no objection with the approval of the minor variances proposed at this time. The proposed development is sufficiently setback from the natural feature of interest to CVC.

The applicant is to note that the property is regulated by CVC and a CVC permit is required for the proposed works.

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

Appendix 4 – Heritage

The subject property is designated under the Ontario Heritage Act; it includes a registered archaeological site. The proposal appears to avoid the archaeological site. As such, there are no heritage concerns with the subject application.

Comments Prepared by: Paula Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel**Minor Variance: A-24-024M / 0 Stavebank Rd**

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