

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A399.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 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 an accessory structure proposing:

1. A gross floor area (infill residential) of 422.49sq m (approx. 4547.64sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 422.04sq m (approx. 4542.80sq ft) in this instance;
2. A driveway width of 18.12m (approx. 59.45ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
3. An interior side yard setback of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
4. An interior side yard setback to the balcony of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
5. An interior side yard setback to the eaves of 1.08m (approx. 3.54ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.35m (approx. 4.43ft) in this instance; and,
6. A combined side yard setback of 8.38m (approx. 27.50ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.99m (approx. 29.50ft) in this instance.

Background

Property Address: 1385 Truscott Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4- Residential

Other Applications: Building Permit process BP9 NEW-23/5937

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of the Truscott Drive and Lorne Park Road intersection. The immediate neighbourhood contains residential and institutional uses. Residential uses consisting of older one and two storey detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with mature vegetation in the front yard.

The application proposes a new accessory structure requiring variances related to gross floor area, driveway width, setbacks and side yard widths.



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 in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

Planning staff have identified concerns regarding variances #2 and #4.

Variance #2 requests a driveway width of 18.12m (59.45ft) where a maximum driveway width of 6.00m (19.69ft) is permitted. Variance #2 represents an existing condition. The intent of regulating driveway widths is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping (front yard). Staff are concerned with the applicant's proposed driveway width as it creates a significant amount of hardscaping in the front yard. Furthermore, it is staff's opinion that the proposed driveway width does not meet the intent of the zoning by-law provision, as it provides more parking than is required for the lands and does not allow for the remainder of the lands to be soft landscaping.

Variance #4 requests an interior side yard setback to the balcony of 1.28m (4.20ft) a minimum interior side yard setback of 2.41m (7.91ft) is required. Staff are unable to assess the requested variance and determine if it will create privacy and overlook concerns for the adjacent property to the west. Staff require more detailed drawings to determine how the proposed balcony will impact the adjacent property to the west.

As such, Planning staff recommend that the application be deferred to allow the applicant an opportunity to redesign the existing driveway and to discuss variance #4 with Planning staff.

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 accessory structure are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/5937.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-5937. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

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: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4- Trans-Northern

RE: File/application No.: A399.23

Proposed Development location: 1385 Truscott Drive, Mississauga, Ontario.

Dear File Coordinator

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the notice of public hearing for the proposed development to approve a minor variance to allow the construction of an accessory structure. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 10 foot right of way on the property northwest and adjacent side to the proposed development relating to 1385 Truscott Drive.

TNPI has no concerns with the proposed development as it is outside of the Right-of- Way. However, the development may be within the Prescribed Area (30m) and therefore the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site, mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless
o **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
o **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Michelle Gruszecki, Property and Right-of-Way Administrator via email at : mgruszecki@tnpi.ca

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator