

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A66.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A driveway width for the portion of the driveway that is within six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width for the portion of the driveway that is beyond six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
3. A detached garage eave height of 3.49m (approx. 11.45ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 3.00m (approx. 9.84ft) in this instance;
4. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance; and,
5. A detached garage height of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.60m (approx. 15.09ft) in this instance.

Background

Property Address: 128 Breezy Pines Drive

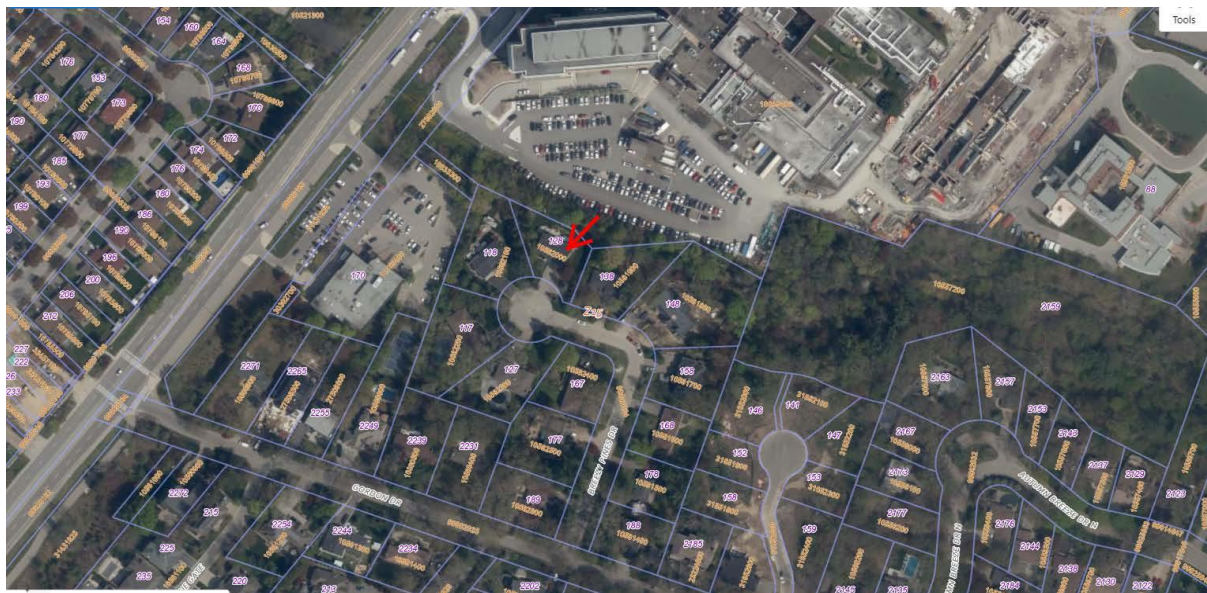
Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R1-7- Residential****Other Applications: BP 9NEW 23-9032****Site and Area Context**

The subject property is located south-west of the Queensway West and Confederation Parkway intersection in the Cooksville Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Mature vegetation and landscaping elements are present on the subject property. The property has an approximate lot area of +/- 1,273.91m² (13,712.25ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of one and two-storey detached dwellings and directly abuts the Trillium Health Partners Mississauga Hospital to the east.

The applicant is proposing the construction of a detached garage on the property requiring variances for driveway width, height, eaves height 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:

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

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in the Mississauga Official Plan (MOP). The designation only permits detached dwellings in this area. The site is also subject to the provisions of Special Site 4 in the MOP. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Upon review of the application, staff are of the opinion that the proposal is compatible with the provisions of the official plan and 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?

Variances 1 and 2 request an increased driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping and amenity area. Currently, the subject property is only permitted to have one garage with a maximum driveway width of 8.5m (27.9ft) within 6m (19.7ft) of the garage face. Should the Committee approve the second garage, the maximum permitted driveway width would increase to 10.5m (34.4ft) within 6m (19.7ft) of the garage face and 8.5m (27.9ft) beyond that. The proposed second garage requires a driveway width variance of 15.93m (52.26ft) within 6m (19.7ft) of the garage face. The increased driveway width is to provide direct access to the second garage requested in this application as Variance 4. As a result, the proposed driveway width being sought in this application is 15.93m (52.26ft) within 6m of the garage face and significantly narrows as we approach the street. Staff also note the presence of significant mature vegetation screening the proposed detached garage and also the new driveway area. Finally, the remainder of the yard provides an appropriate amenity and soft landscaping area for the dwelling.

Variances 3 and 5 relate to the height of the detached garage and its subsequent eaves height. The intent of restricting height is to lessen the visual massing of structures insuring the garage is accessory to the principle use. The detached garage is located in the side yard and will not be visible from the abutting residential property on the south side due to the mature vegetation existing on the subject property. Furthermore, due to the topography of the subject property, the "Established Grade", from which height is measured, is below grade, thereby making the garage appear shorter than requested. Additionally, staff note that the height request is only to a portion of the roof and does not represent the condition for the entirety of the garage. It is the understanding of staff that the proposed detached garage will mirror the height and materials of the existing attached garage. This will ensure a design consistency between the existing dwelling and proposed detached garage thereby maintaining a clean, uniform aesthetic between structures.

Variance 4 pertains to two garages in the proposal, which exceeds the permissions provided in the by-law. The intent in restricting the overall number and individual size of a garage is to ensure the detached dwelling remains residential in nature, keeping the majority of the structure's ground floor area attributed to livable space. Additionally, this portion of the by-law

serves to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. In this instance, the proposed detached garage is well hidden by the existing mature vegetation that exists on the subject property, mitigating any massing concerns. Staff note there are no additional variances for lot coverage or setbacks to the garage based on the addition of the proposed second garage. Furthermore, given the size of the lot, the garage size can be suitably accommodated without dominating the use of the first floor.

Given the fact mature vegetation screens the driveway, the height and the design of the proposed detached garage (including architectural features) is consistent with the existing detached dwelling, planning staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the variances, both individually and cumulatively, are minor in nature. They will not have significant impacts to either the surrounding context or streetscape. Staff are also of the opinion that the application represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 detached garage will be addressed through the Building Permit Process.

From our site inspection of the property we note that there is a significant slope towards the rear of the property and towards the abutting property to the south-east. With the construction of the detached garage, special attention should be given to any regrading of the property to ensure that any additional drainage created with the addition does not impact on the abutting property.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-9032. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-066M - 128 Breezy Pines Drive

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- There is a Regional sanitary sewer easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

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

Appendix 4 – CVC

Re: CVC File No. A24/066
Municipality File No. A66.24
Carlos and Bonita Amorin
128 Breezy Pines Drive
Lot 1 Cir 3
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 flood and erosion (meander belt) hazard associated with Mary Fix 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 a minor variance to allow construction of an accessory structure:

1. A driveway width for the portion of the driveway that is within six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
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5. A detached garage height of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.60m (approx. 15.09ft) in this instance.

COMMENTS:

Based on the review of the above information, CVC staff has no concern and no objection of the proposed minor variances. CVC has reviewed and issued a permit for the proposed works as part of permit application FF 23/183.

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