

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A473.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 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, 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 dwelling depth of 20.69m (approx. 67.88ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A peak height of 10.78m (approx. 35.36ft) whereas By-law 0225-2007, as amended, permits a maximum peak height of 9.50m (approx. 31.17ft) in this instance; and,
3. An eaves height of 7.57m (approx. 24.84ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 77 Ben Machree Drive

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R15-2- Residential

Other Applications: Preliminary Zoning Review application PREAPP 21-7262.**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low density residential, containing one and two storey detached dwellings with significant mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to dwelling depth, dwelling and eave 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), which permits detached, semi-detached and duplex dwellings.

Variances pertaining to dwelling depth, dwelling and eave height were approved on April 20, 2023 under file A45/23 for an addition to the existing dwelling. Staff had no concerns with the

proposal at the time. Staff note that the addition was never completed. The applicant is now proposing to construct a new detached dwelling requiring similar variances approved under file A45/23. As such, a new minor variance application is required.

Staff note the current application does not present any significant changes to the previously approved design under File A45/23. Furthermore, the applicant has reduced the proposed dwelling depth from 23.32m (76.50ft) to 20.69m (67.88ft) and height from 11.67m (38.28ft) to 10.78m (35.36ft).

Variance #1 requests an increase in the dwelling depth. A dwelling depth of 23.32m (76.50ft) was previously supported by staff and approved for an addition to the existing dwelling. The new proposal is for a dwelling depth of 20.69m (67.88ft), which represents a minor increase from the by-law regulations, and is a reduction from the previous approved dwelling depth. Further, staff note only two small walls at the rear of the dwelling attribute to the increase in the dwelling depth. The major portion of the dwelling has a depth of 19.24m (63.12ft).

Variance #2 and #3 pertain to dwelling and eave height respectively. File A45/23 requested a dwelling height of 11.67m (38.28ft) which has been reduced to 10.78m (35.36ft). Staff note a discrepancy of approximately 0.60m (1.96ft) between average grade and the grade where the dwelling sits. When standing on the subject property perpendicular to the façade, the dwelling would appear to have a height of 10.11m (33.16ft). Further, the proposal has a lesser height than the existing home. As such, staff are satisfied the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Given the above, Planning 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: Shivani Chopra, Planner in Training

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

Comments provided for the 12/14/2023 meeting remain applicable.

Previous Comment:

The Building Department processed a Preliminary Zoning Review application PREAPP 21-7262. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application submitted on 04/05/2022. 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: Jeanine Benitez, Zoning Examiner

Appendix 3- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – CVC

Please see below CVC's revised comments for proposed works at 77 Ben Machree Drive in Mississauga:

Based on the review of the information provided, CVC staff has no objection to the minor variances proposed at this time as it pertains to the main dwelling. However, this is not approval to the site plan provided as there appears to be accessory structures proposed at the back of the house. We will need to review the proposal further to ensure it meets CVC policies and permitting requirements. CVC staff is in contact with the applicant and are discussing these details.

CVC permit will be required for the proposed works.

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