

City of Mississauga Department Comments

Date Finalized: 2024-04-03	File(s): A160.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-11 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. An eave setback of 0.96m (approx. 3.15ft) whereas By-law 0225-2007, as amended, requires a minimum eave setback of 1.36m (approx. 4.46ft) in this instance;
2. An eave setback of 1.09m (approx. 3.58ft) whereas By-law 0225-2007, as amended, requires a minimum eave setback of 1.36m (approx. 4.46ft) in this instance;
3. An eave height of 7.60m (approx. 24.93ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. A second storey interior side yard setback of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance; and,
5. A second storey interior side yard setback of 1.57m (approx. 5.15ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance.

Background

Property Address: 811 Whitney Drive

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

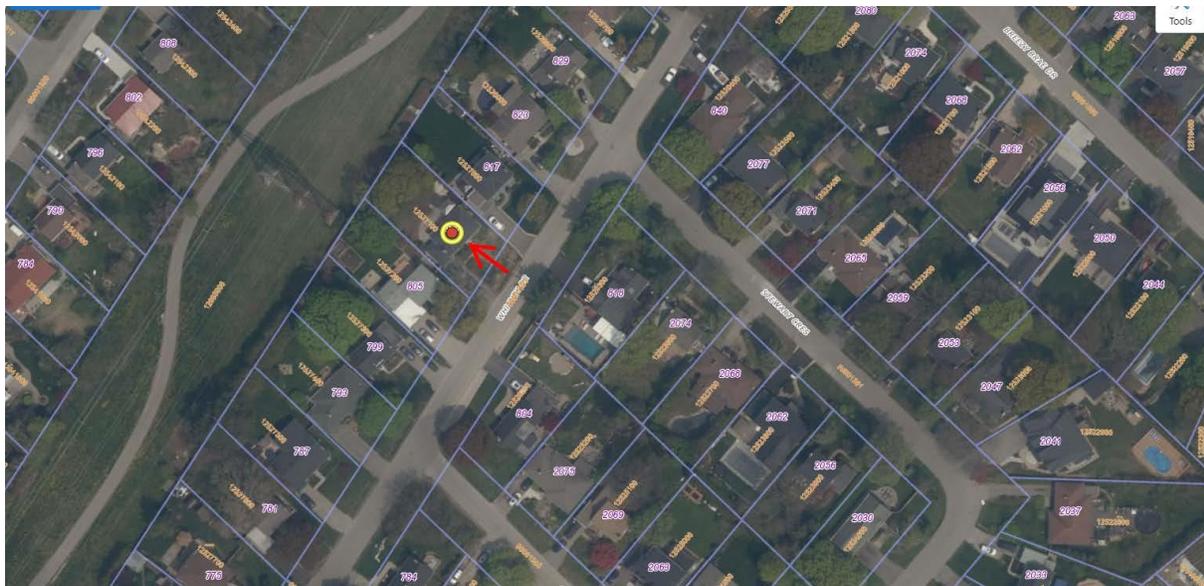
Zoning: R3-75- Residential

Other Applications: Building Permit application BP 9ALT 23-10693

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Cawthra Road and North Service Road intersection. The immediate neighbourhood consists of older one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with little vegetation in the front yard.

The variances requested are for setbacks to accommodate an addition.



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.

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Variances #1, 2, 4 and 5 are required for deficient setbacks. Staff note that the setbacks are only required to accommodate a second storey addition and eaves. The proposed second storey setback variances are consistent with the existing setbacks to the first storey of the dwelling. The setbacks to the first storey of the dwelling do not require variances. Furthermore, the requested setbacks are consistent with setbacks found in the immediate area. Lastly, no variances for gross floor area or height are required, therefore negating any massing impacts to the streetscape or adjacent properties.

Variance #3 is for eave height. Staff note that the requested variance appears numerically excessive, however, no variance is required for the dwelling's highest ridge. Furthermore, the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as staggered walls, multiple windows, and a mix of building materials. As such, the proposed dwelling maintains compatibility with the surrounding area and will not negatively impact the character of the streetscape.

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 addition will be addressed by our Development Construction Section through Building Permit BP 9ALT-23/10693.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 23-10693. Based on the review of the information available in this application, the requested variances 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: Gary Gagnier, Zoning Examiner

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 Hydro One, leased by the City of Mississauga, identified as Nine Creeks Trail (P-534), and zoned U – Utility.

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– Region of Peel

Minor Variance: A-24-160M / 811 Whitney Drive

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

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- 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 at 905.791.7800 x7973 or 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 at 905.791.7800 x7973 or 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 are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Ayooluwa Ayoola, Planner