

# City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A171.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 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 a new house proposing:

1. An interior side yard setback of 1.91m (approx. 6.27ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.11m (approx. 6.92ft) in this instance;
2. An interior side yard setback of 1.95m (approx. 6.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.11m (approx. 6.92ft) in this instance;
3. An eave height of 6.99m (approx. 22.93ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A gross floor area of 522.86sq m (approx. 5628.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 465.79sq m (approx. 5013.72sq ft) in this instance;
5. A dwelling depth of 26.49m (approx. 86.91ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width of 6.43m (approx. 21.10ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A hardscaping setback of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
8. A pool shed setback of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, requires a minimum pool shed setback of 1.20m (approx. 3.94ft) in this instance;
9. An eave width of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave width of 0.45m (approx. 1.48ft) in this instance;
10. A western eave encroachment into the side yard of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance; and,
11. An eastern eave encroachment into the side yard of 0.77m (approx. 2.53ft) whereas By-

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law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance.

## Condition

Should the Committee find merit in the application, staff advises that the variance for dwelling depth be granted solely to accommodate the covered front entry and rear covered deck as delineated in the submitted plans.

## Background

**Property Address:** 1204 Kane Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

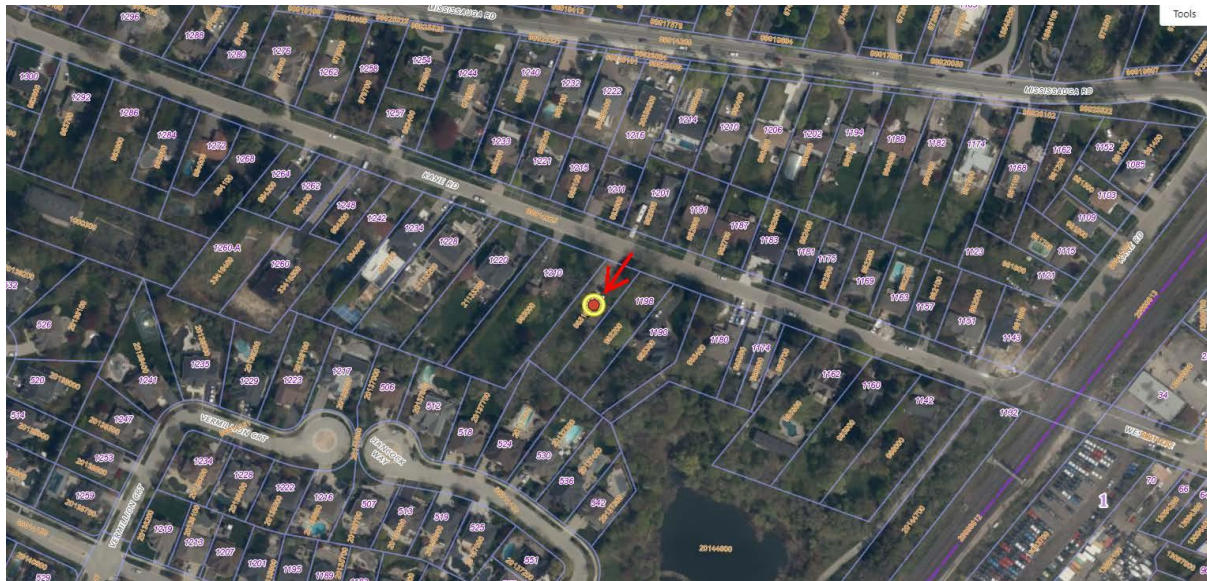
**Zoning:** **R2-1- Residential**

**Other Applications:** none

### Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant requests the Committee to permit a new two-storey dwelling requiring variances related to setbacks, eave height, gross floor area and eave encroachments.



## 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, semi-detached and duplex dwellings.

Planning staff is unable to accurately locate variance #7 on the plans submitted. Through discussions with Transportation and works staff, staff may not be able to support the requested variance due to existing onsite drainage patterns and the absence of a swale.

Based on the preceding, Planning staff recommends that the applications be deferred.

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.

We advise that we cannot support the Minor Variance for the 0m hard surface setback along the side yard. The future Building Permit will be circulated to our Development Construction Section. They will need to ensure that sufficient swales are included along the side yards to carry the surface drainage away from the dwelling. The proposed walkways as they are shown on the plan will be cause for concern.

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 – Metrolinx

### **1204 Kane Road - A171.24**

Metrolinx is in receipt of the Minor Variance application for 1204 Kane Rd to facilitate the construction of a new two-storey dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

### **Conditions of Approval:**

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The

Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

#### **Appendix 4 – Region of Peel**

##### **Minor Variance: A-24-171M / 1204 Kane Road**

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

##### **Comments:**

- 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](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Ayooluwa Ayoola, Planner