

# City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A178.24 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 1:00:00 PM

## Consolidated Recommendation

The City has no objection to variances #1 and 2, however recommend refusal of variance #3.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A height measured to the midpoint of the roof of 12.07m (approx. 39.60ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the midpoint of the roof of 10.70m (approx. 35.10ft) in this instance;
2. 2 attached garages whereas By-law 0225-2007, as amended, permits a maximum of 1 attached garage in this instance; and
3. A driveway width of 42.2m (approx. 138.5ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.9ft) in this instance.

## Background

**Property Address:** 2350 Doulton Dr

### Mississauga Official Plan

Character Area: **Sheridan Neighbourhood**  
Designation: **Residential Low Density I**

### Zoning By-law 0225-2007

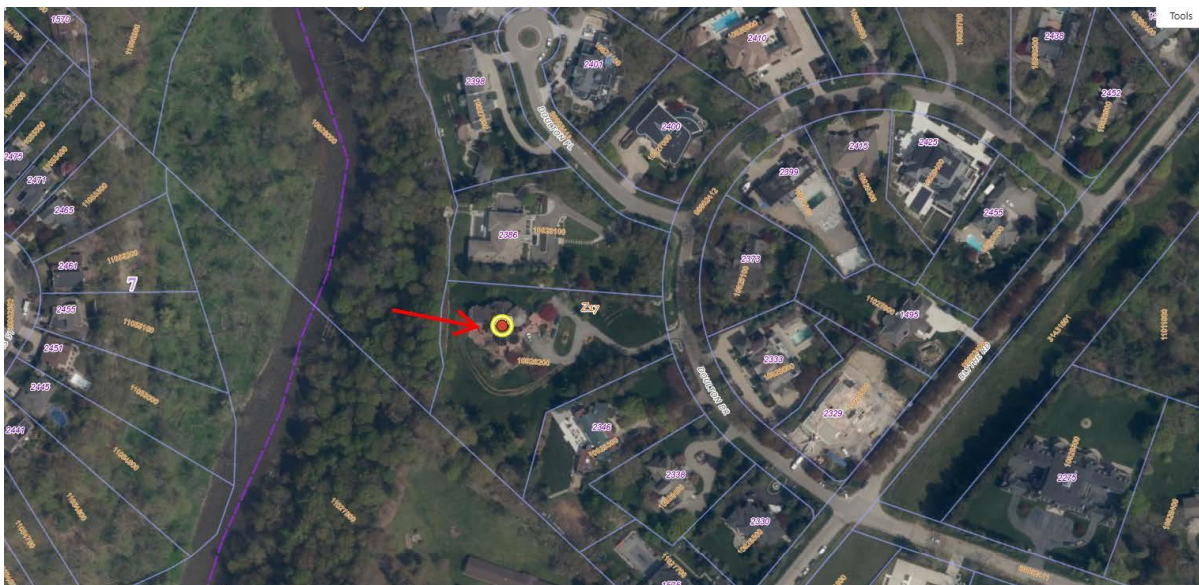
**Zoning:** R1-5 - Residential

**Other Applications:** none

## Site and Area Context

The subject property is located within the Sheridan Neighbourhood, southeast of Dundas Street West and Mississauga Road. The neighbourhood is entirely residential consisting of large two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property is a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is requesting variances for dwelling height, number of garages and driveway width to facilitate the development of a new two-storey detached dwelling.



## 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:

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

The subject property is located within the Sheridan Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. Section 9 of 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. Staff are of the opinion that the proposed dwelling maintains the permitted residential use. However, while larger driveways are

common in the immediate area, staff are concerned that the proposed widened driveway would not be compatible with the surrounding context and the character of the area. Therefore, staff are of the opinion that the general intent and purpose of the Official Plan is not maintained.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 pertains to dwelling height. The applicant is proposing a height measured to the midpoint of the roof of 12.07m (39.60ft) where a maximum height of 10.70m (35.10ft) is permitted. Staff note that the dwelling contains multiple rooflines. When standing perpendicular to the façade, the roofline on the left and right side of the dwelling gradually increases in height as you move toward the middle of the dwelling. Accordingly, the requested variance is only required to accommodate a small roof located directly above the entry way of the dwelling. Furthermore, a 1.9m (6.2ft) height discrepancy exists between average and finished grade; therefore, the midpoint of this roof would appear to be 10.17m (33.37ft) high when standing perpendicular to the façade. As such, the value of the variance appears higher than the true height of the dwelling.

Variance #2 pertains to number of garages. The intent in restricting the overall number of garages is to ensure that the detached dwelling remains residential in nature. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive, garage faces of a dwelling from a streetscape perspective. Staff note that the proposed garages are side loaded and do not face the street. Furthermore, the side and rear walls appear to form part of the dwelling, therefore the dwelling remains residential in nature. Staff also note that the garages are setback over 68m (223ft) from the front lot line, further mitigating their impact.

Variance #3 pertains to driveway width. The maximum driveway width permitted on a property of this size is 10.5 metres (34.45 ft.) within 6 metres (19.69 ft.) of the garage face if it provides direct access to the garage, and 8.5 metres (27.89 ft.) beyond 6 metres (19.69 ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3-car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. Planning staff note that the variance requested is for a portion of the driveway that does not provide direct access to the proposed garages. This variance also represents a significant departure from the maximum width requirement.

As such, staff are of the opinion that variances #1 and 2 meet the general intent and purpose of the zoning by-law, however variance #3 does not.

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

With respect to variances #1 and 2, Planning staff are satisfied that these variances are minor in nature and will not have impacts to either the surrounding context or the streetscape. However, staff are of the opinion that variance #3 is excessive, out of character and represents inappropriate development of the subject property.

## 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.

The applicant is advised that the entire surface drainage from the driveway will need to be directed towards the front of the lot in such a manor to not impact the adjacent properties.

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 – 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 City of Mississauga, identified as Not To Be Named (P-241) \*(NE of Shawanaga Tr), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- a) Ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

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– CVC**

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 slope hazard associated with the Credit River. 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 a new house proposing:

1. A height measured to the midpoint of the roof of 12.07m (approx. 39.60ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the midpoint of the roof of 10.70m (approx. 35.10ft) in this instance;
2. 2 attached garages whereas By-law 0225-2007, as amended, permits a maximum of 1 attached garage in this instance; and
3. A driveway width of 42.2m (approx. 138.5ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.9ft) in this instance.

#### **COMMENTS:**

Based on the review of the information provided, CVC has **no objection** to the approval of the minor variances proposed at this time as the variances pertain to development in the front of the property, away from the hazards.

However, the applicant is to note that this isn't approval of the current plans as further revisions are required to the plans to ensure that the proposal is sufficiently setback from the natural features located at the rear of the property that are of interest to CVC.

The applicant is advised that the property is regulated by CVC and a CVC permit is required of the proposed development.

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](mailto: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

## Appendix 5 – Region of Peel

### Minor Variance: A-24-178M / 2350 Doulton Drive

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).
- This site does not have frontage to existing municipal sanitary sewer.
- All unutilized water 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 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