

City of Mississauga Department Comments

Date Finalized: 2024-05-01	File(s): A442.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-05-09 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. 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 garage projection of 3.91m (approx. 12.83ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
2. An eaves setback to the second floor of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.96m (approx. 6.43ft) in this instance;
3. A balcony size of 15.89sq m (approx. 171.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony size of 10.00sq m (approx. 107.64sq ft) in this instance;
4. A driveway width (after 6m in front of garage) of 9.41m (approx. 30.88ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
5. An accessory structure size of 24.49sq m (approx. 263.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure size of 20.00sq m (approx. 215.28sq ft) in this instance;
6. An accessory structure height of 4.86m (approx. 15.94ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
7. A building height of 10.57m (approx. 34.68ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
8. An eave height of 8.29m (approx. 27.20ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,
9. A dwelling depth of 24.60m (approx. 80.71ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

Background

Property Address: 1090 Indian Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

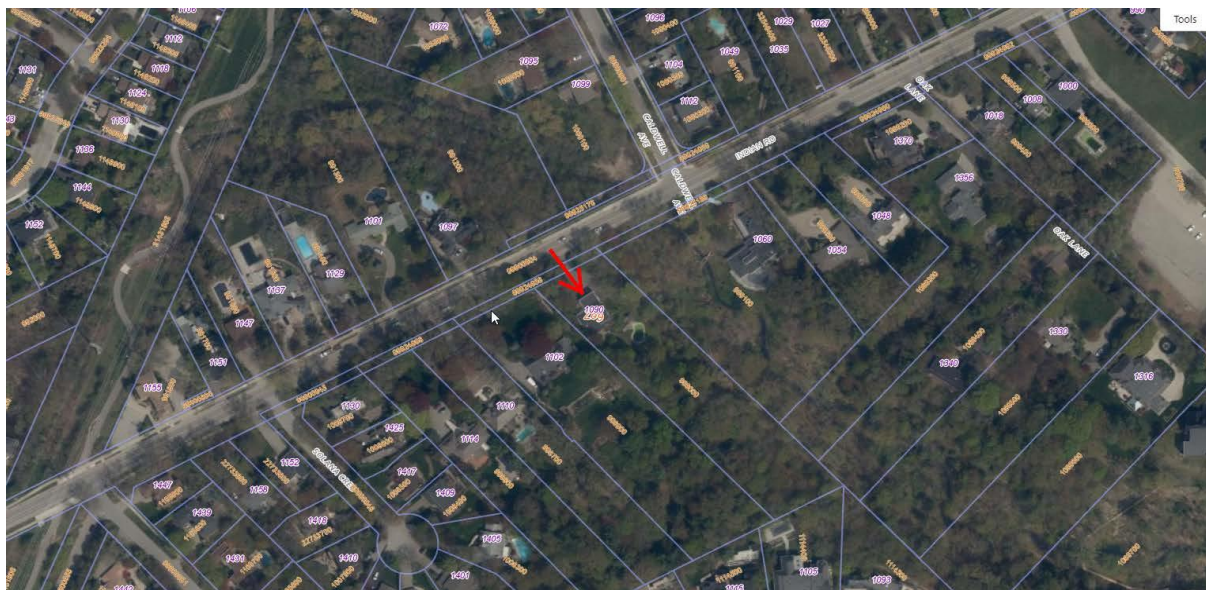
Zoning: R2-4- Residential

Other Applications: BP 9NEW-23/7012.

Site and Area Context

The subject property is located southeast of the Birchview Drive and Indian Road intersection. The surrounding area is primarily residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a three-storey detached dwelling requiring variances related to dwelling depth, garage projection, building and eave height, setbacks, driveway widths, balcony area, and cabana area and 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:

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). This designation permits detached, semi-detached and duplex dwellings.

The subject application was deferred by the Committee on November 23, 2024. Planning staff raised concerns with the applicant's first submission, regarding the proposed building and eave height variances. In addition to height concerns, staff also identified issues with variances related to driveway width. The applicant has made significant revisions to the original proposal.

Variance #1 is for a garage projection. The proposed garage projection has been reduced from 5.18m (16.99ft) to 3.91m (12.83ft). Planning staff had no concerns regarding the initial variance and have no concerns with the revised variance. The roof located directly above the garage is shared with the covered front porch, giving the illusion that there is no garage projection. The revised proposal has incorporated this feature. Furthermore, the revised variance represents an improvement.

Variance #2 is for a setback to the second floor eaves. This variance was added to the revised application. All variances regarding the third floor of the dwelling were removed from the proposal, as the applicant has revised the proposal to remove the third floor. Planning staff note that the eave setback variance is required only to accommodate a pinch point. The setback to the eaves increases as you move from the rear of the dwelling to the front. No variances are requested to the dwelling's outer walls. Therefore, staff is of the opinion that the proposed setback is appropriate and will not pose massing issues to the adjacent property.

Variance #3 is for increased balcony area. The size of the proposed balcony has increased from 12.76M² (41.86ft²) to 15.89m² (171.04ft²). Staff note that the location of the balcony is above the projecting garage. Therefore, the balcony will not pose any privacy or overlook concerns to adjacent properties.

Variance #4 relates to driveway width. The applicant reduced the size of the driveway, eliminating one of the two required variances. The remaining variance is for a width of 9.41m (30.88ft) beyond 6m (19.69ft) of the garage's face. The applicant had previously proposed a width of 13.39m (43.93ft) beyond 6m (19.69ft) of the garage's face. Staff are of the opinion that the revised proposal meets the intent of the zoning by-law, as the increased width only facilitates direct access to the three-car garage while the remaining portion of the driveway tapers as you move toward the front property line.

Variance #5 is for increased accessory structure area and variance #6 is for increased accessory structure height. A variance for accessory structure height has increased slightly from 4.72m (15.49ft) to 4.86m (15.94ft) while the accessory structure area of 24.49m² (263.61ft²) is maintained. Staff have no concerns regarding these variances. These variances are minor and proportional to the lot and dwelling, and the structure's location in the rear yard will ensure it will not pose massing concerns to adjacent properties.

Variances #7 and 8 relate to building and eave heights. The proposed dwelling height has been reduced from 13.2m (43.31ft) to 10.57m (34.68ft) and the eave heights have been reduced from 10.88m (35.7ft) to 8.29m (27.2ft). The applicant has addressed Planning staff's concerns regarding height. Planning staff note a 0.37m (1.21ft) height disparity between finished grade where the dwelling sits, and average grade. As such, the overall building height appears to be 10.2m (33.46ft) in height while the eave height appears to be 7.92m (25.98ft) when standing in the front yard of the property, in front of the garage. These heights are compatible with existing development found in the immediate area.

Variance #9 is for increased dwelling depth. The proposed dwelling depth has increased from 22.85m (74.94 ft) to 24.6m (80.71ft). The applicant is including covered porches and a basement in the calculation of dwelling depth. The true depth of the dwelling, excluding these features, is approximately 22.8m (75ft). Staff also note the staggered walls and architectural features minimize any massing impacts.

Through a detailed review of the application, as revised, 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 dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-23/7012. We also advise that approval from the Credit Valley Conservation will be required.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-7012. Based on the review of the information available in this application, the requested variance(s) # 2 to # 9 correct.

However, for variance #1 we advise that more information is required in order to verify the accuracy of the requested variance(s).

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 – CVC

It is our understanding that the applicant is requesting the Committee to approve the following minor variances:

1. A garage projection of 3.91m (approx. 12.83ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
2. An eaves setback to the second floor of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.96m (approx. 6.43ft) in this instance;
3. A balcony size of 15.89sq m (approx. 171.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony size of 10.00sq m (approx. 107.64sq ft) in this instance;
4. A driveway width (after 6m in front of garage) of 9.41m (approx. 30.88ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;

5. An accessory structure size of 24.49sq m (approx. 263.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure size of 20.00sq m (approx. 215.28sq ft) in this instance;
6. An accessory structure height of 4.86m (approx. 15.94ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
7. A building height of 10.57m (approx. 34.68ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
8. An eave height of 8.29m (approx. 27.20ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,
9. A dwelling depth of 24.60m (approx. 80.71ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance

COMMENTS

Based on the review of the information provided, CVC staff has no concern with the approval of the minor variance application at this time as the variances proposed do not impact the hazards identified by CVC on the subject property.

However, the applicant is to note that this isn't approval of the current Site Plans as further revisions are required to the plans to ensure that the proposal is sufficiently setback from the natural features of interest to CVC and that the proposed works meet CVC's permitting requirements.

The applicant is to note that the property is regulated by CVC and a CVC permit is required for the proposed development.

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

Appendix 4 – Region of Peel

Please apply previous comments:

Minor Variance: A-23-442M / 1090 Indian Rd

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

Comments:

- As per Peel Water Design Criteria Standard 4.3, "Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications..."

- 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 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 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 by email at siteplanservicing@peelregion.ca
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14. 17).
- 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner