

City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A220.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-05-30 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 an addition proposing:

1. A garage projection beyond the front wall or exterior side wall of the second storey of 5.60m (approx. 18.37ft) whereas By-law 0225-2007, as amended, permits a maximum projection of 0m in this instance;
2. A west interior side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;
3. A flat roof building height of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24.61ft) in this instance;
4. An eaves height of 9.20m (approx. 30.18ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A dwelling depth of 29.60m (approx. 97.11ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width of 16.70m (approx. 54.79ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
7. An awning encroachment into the west interior side yard of 0.42m (approx. 1.38ft) whereas By-law 0225-2007, as amended, permits an encroachment of 0.61m (approx. 2.00ft) in this instance.

Amendments

Should the Committee see merit in the application, staff recommends that the applicant amend the application to reflect the proper driveway width requirements.

Conditions

Should the Committee see merit in the application, staff recommends that a condition be added to tie approval to the submitted drawings and to permit variance #6 for only one-storey portions of the dwelling. Therefore, additional storey(s) must comply with the maximum depth requirement.

Background

Property Address: 60 Cumberland Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R15-9-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, southeast of the Cumberland Drive and Lakeshore Road East intersection. The surrounding neighbourhood consists of one to two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with little vegetation.

The applicant is proposing one and two-storey additions to the existing detached dwelling, requiring variances related to garage projection, setbacks/encroachments, heights, dwelling depth and driveway width.

"[Enter air photo]"

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 have identified concerns regarding the proposed driveway width and dwelling depth variances.

Variance #5 is for dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. Planning staff are of the opinion that the requested dwelling depth is excessive and will pose massing concerns for adjacent properties. Staff are also unable to locate a dimension for the existing dwelling's depth in the application package.

Variance #6 pertains to driveway width. Although Planning staff are not able to provide an interpretation of the zoning by-law, it appears that variance #6 is incorrect. The maximum driveway width permitted on a property of this size is 10.5 m (34.45 ft.) within 6 m (19.69 ft.) of the garage face if it provides direct access to the garage, and 8.5 m (27.89 ft.) beyond 6 m (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 to mitigate impacts to the streetscape. While it is acknowledged that the proposed driveway tapers toward the street, staff are of the opinion that the requested width creates unnecessary hardscaping in the front yard. This variance also represents a significant departure from the maximum width requirements. Lastly, a large portion of the hardscaping is for a "concrete parking pad" which does not facilitate access to the three-car garage and thus, does not meet the intent of the zoning by-law with respect to driveway width regulations.

Given these concerns, staff is recommending a deferral of the application. This deferral is intended to provide the applicant with the opportunity to engage in discussions with Planning staff regarding issues identified above and to redesign portions of the proposed additions and driveway.

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 the future Building Permit process.

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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Heritage

The property is designated under the *Ontario Heritage Act*. As such, a completed Heritage Property Permit Application, and a Heritage Impact Assessment is required to alter the property. The property owner has submitted a heritage application to the City which will be going to the Heritage Advisory Committee on June 18, 2024. We recommend that the requested variances be conditional upon approval of the heritage application.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – CVC**Re: CVC File No. A 24/220****Municipality File No.: A220/24****Steve daCosta****88 Cumberland Drive****Part of Lot 2, Range 1 CIR****City of Mississauga**

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.

Site Characteristics:

The subject property is partially regulated due to the presence of the Lake Ontario Shoreline and its associated flood and erosion hazards.

Ontario Regulation 41/24:

The property is subject to Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 41/24). 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:

CVC staff understand that the purpose of this application is for the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A garage projection beyond the front wall or exterior side wall of the second storey of 5.60m (approx. 18.37ft) whereas By-law 0225-2007, as amended, permits a maximum projection of 0m in this instance;
2. A west interior side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;
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permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and, 7. An awning encroachment into the west interior side yard of 0.42m (approx. 1.38ft) whereas By-law 0225-2007, as amended, permits an encroachment of 0.61m (approx. 2.00ft) in this instance.

Comments:

CVC staff have reviewed the provided information and note that the proposed addition is sufficiently setback from the hazards. As such, CVC staff have no concerns and No Objection to the approval of the minor variance by the committee at this time.

Please note that the proposed development is located within CVC's Regulated Area, and a CVC permit is required for the proposed works.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at eric.james@cvc.ca or (416) 666-0727. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Eric James, Junior Regulations Officer

Appendix 6 – Region of People**Minor Variance: A-24-220M/ 60 Cumberland 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.
- 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: Eric James, Junior Regulations Officer