

City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A230.24
To: Committee of Adjustment	Ward: 2
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 a new house proposing:

1. A below grade entrance in the exterior rear yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in the exterior rear yard in this instance;
2. An exterior side yard setback of 5.47m (approx. 17.95ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
3. A side yard setback to the second floor of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second floor of 1.81m (approx. 5.94ft) in this instance;
4. A side yard eaves encroachment (first floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves encroachment (first floor) of 0.75m (approx. 2.46ft) in this instance;
5. A side yard eaves encroachment (second floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves encroachment (second floor) of 1.36m (approx. 4.46ft) in this instance;
6. A gross floor area (infill residential) of 443.53sq m (approx. 4774.16sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 358.98sq m (approx. 3864.06sq ft) in this instance;
7. A lot coverage of 39.13% (330.64sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (295.72sq m) in this instance;
8. An exterior side yard setback to the eaves of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the eaves of 5.55m (approx. 18.21ft) in this instance; and,
9. A side yard setback to the porch and stairs of 0.30m (approx. 0.98ft) whereas By-law

0225-2007, as amended, requires a minimum side yard setback to the porch and stairs of 0.60m (approx. 1.97ft) in this instance.

Amendments

The Building Department is processing Building Permit application 24-319. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

4. A side yard eaves setback (first floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves setback (first floor) of 0.75m (approx. 2.46ft) in this instance;
5. A side yard eaves setback (second floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves setback (second floor) of 1.36m (approx. 4.46ft) in this instance;

Background

Property Address: 1880 Hindhead Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

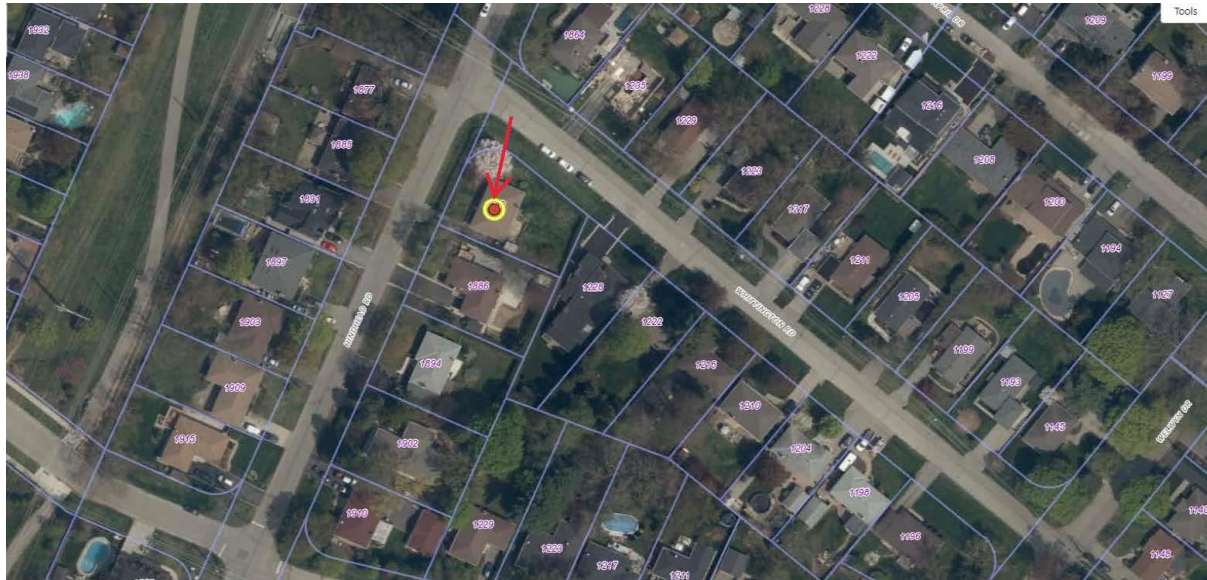
Zoning: R3-1-Residential

Other Applications: Building Permit application 24-319

Site and Area Context

The subject property is located within the Clarkson - Lorne Park Neighbourhood Character Area, northeast of the Lakeshore Road West and Southdown Road intersection. The neighbourhood is entirely residential, consisting of a mix of older and newer one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property is a corner lot containing a one-storey single detached dwelling with mature vegetation in the front yard.

The application is proposing to facilitate the construction of a new two-storey detached dwelling requiring variances for a below grade entrance, gross floor area, lot coverage and side yard setbacks.



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 property is located in the Clarkson - Lorne Park Neighbourhood Character Area and is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages.

The application proposes variances to permit a below grade entrance, increased gross floor area (GFA), lot coverage, and reduced side yard setbacks.

During a pre-consultation with the applicant's agent, staff raised concerns regarding variances #4 to #6 and #9 for increased gross floor area (GFA) and reduced interior side yard setbacks. Staff note that the applicant did not make any revisions to the proposal presented during the pre-consultation meeting before submitting the application. As such, staff continue the same concerns.

The intent in restricting GFA is to maintain compatibility between existing and new dwellings, ensuring the existing and planned character of a neighbourhood is preserved and to lessen the

visual massing of the dwelling. The proposed GFA represents a significant departure from the maximum permission, which will pose significant massing impacts to adjacent properties and the streetscape. Further, staff are of the opinion that the proposal will create a dwelling that does not meet the intent of the infill regulations, maintain compatibility with the existing dwellings in the neighbourhood or preserve the neighbourhood's existing character.

When combined with the requests for reduced side yard setbacks, the impacts to the streetscape and abutting properties are exacerbated and therefore are not minor in nature.

Additionally, staff are unable to accurately assess the impact of the below grade entrance due to insufficient information provided. Staff require a clear illustration of the proposed below-grade entrance to be provided on the elevation drawings.

Given the above, staff recommend the application be deferred to allow the applicant an opportunity to redesign the proposal, address staff concerns and provide the information requested by staff. Staff also recommend that the applicant consider options to increase the proposed interior side yard setbacks in their redesign of the proposal.

Comments Prepared by: Shivani Chopra, Planning Associate

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-24/319.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-319. Based on review of the information available in this application, we advise that following amendments are required:

4. A side yard eaves setback (first floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves setback (first floor) of 0.75m (approx. 2.46ft) in this instance;
5. A side yard eaves setback (second floor) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard eaves setback (second floor) of 1.36m (approx. 4.46ft) in this instance;

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: Sibila Lass Weldt, 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 – TNPI

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the Committee of Adjustment Notice for the proposed minor variance under Section 45 of the Planning Act to allow for the construction of a new house. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 30 foot right of way (ROW) on the adjacent property to the North of the proposed development relating to 1880 Hindhead Road.

Please note the following in relation to the proposed development:

- Permanent structures are not allowed on the ROW and are requested to be setback 10 m
- Please ensure accessory structures are also outside of the ROW and setback 10 m from the ROW
- Any activities for temporary access within 30 m requires TNPI approval and can be requested by submitting an Ontario One Call locate request and submitting a permit request to crossingrequestseast@tnpi.ca

- Please provide an updated drawing with the distances from all current and proposed above ground structures, including fencing, from the TNPI pipeline and ROW

Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*
- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- *(b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development (not discovered in this review) within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant propose to cross the pipeline or ROW with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

- Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Michelle Gruszecki, Property and Right-of-Way Administrator via email at : mgruszecki@tnpi.ca

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator

Appendix 5 – Region of Peel

Minor Variance: A-24-230M / 1880 Hindhead 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.

- 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: Petrele Francois, Junior Planner