

City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A292.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 3:30:00 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, 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 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance;
2. A front yard setback to the architectural feature of 5.04m (approx. 16.54ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the architectural feature of 6.00m (approx. 19.69ft) in this instance;
3. A front yard setback to the front main wall of 5.46m (approx. 16.54ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the front main wall of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 58 Ben Machree Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

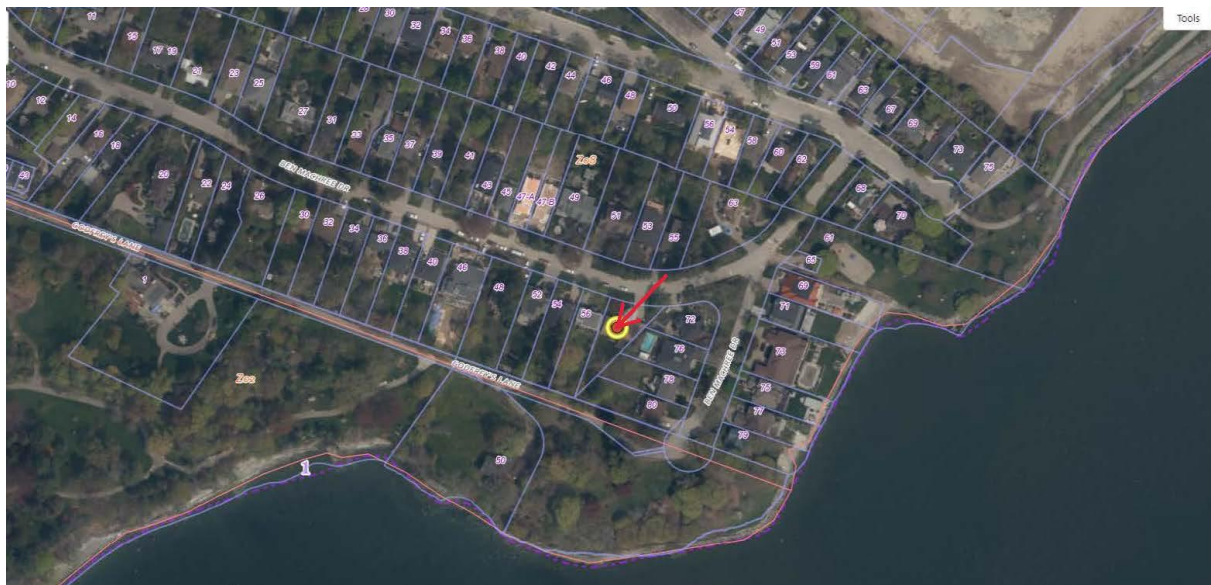
Zoning: R15-2 - Residential

Other Applications: none

Site and Area Context

The subject property is an irregular shaped lot located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low-density residential, consisting of one and two-storey detached dwellings with significant mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances related to garage projection and front 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 subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

Variance #1 is for a garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling has been designed in a manor to project out the covered front porch to balance the garage projection. Staff are satisfied that this minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Variances #2 and 3 are for reduced front yard setbacks. Planning staff have no concerns regarding these variances. The proposed setbacks are minor and consistent with front yard setbacks found in the immediate area.

Through a detailed review of the application, staff are of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process and that 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 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: Brooke Herczeg, 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 – Region of Peel

Minor Variance: A-24-292M / 58 Ben Machree Drive

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

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.

- 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.
- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – CVC

Based on best available information, the subject property at 58 Ben Machree Drive in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

If you have any further questions, please do not hesitate to contact the undersigned.

Comments Prepared by: Stuti Bhatt, Junior Planner