

City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A317.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 an addition proposing:

1. A dwelling unit depth of 26.42m (approx. 86.68ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
2. A garage projection of 10.36m (approx. 33.99ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0m in this instance;
3. A combined width of side yards of 26.74% (7.59m) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% (7.66m) in this instance;
4. A combined width of side yards measured to the eaves of 6.48m (approx. 21.26ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards measured to the eaves of 6.76m (approx. ft) in this instance;
5. A west interior side yard setback of 1.74m (approx. 5.71ft) whereas By-law 0225-2007, as amended, requires a minimum west interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
6. A side yard setback to the eaves of 1.29m (approx. 4.23ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves of 1.96m (approx. 6.43ft) in this instance;
7. A highest ridge height for a sloped roof of 10.21m (approx. 33.50ft) whereas By-law 0225-2007, as amended, permits a maximum highest ridge height for a sloped roof of 9.50m (approx. 31.17ft) in this instance;
8. An eaves height of 7.31m (approx. 23.98ft)) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

Background

Property Address: 1176 Tecumseh Park Drive

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood

Designation: Greenland, Residential Low Density I

Zoning By-law 0225-2007

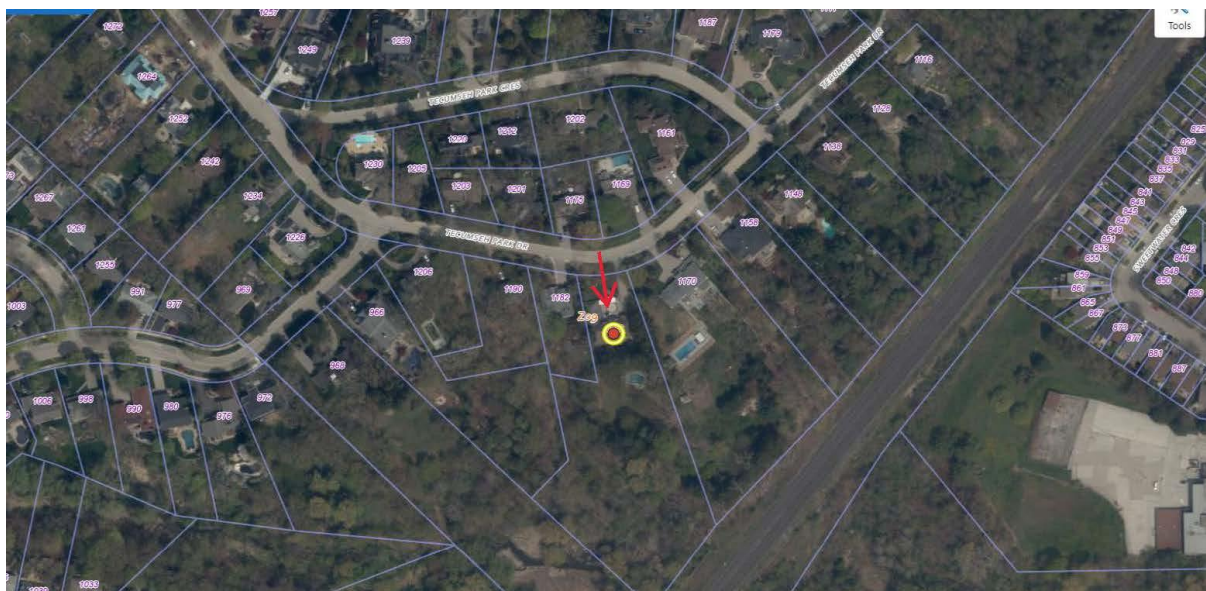
Zoning: R1-2-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of the Tecumseh Park Drive and Tecumseh Park Crescent intersection. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings on large lots with mature vegetation. The subject property has an area of 9981m² (107434.6 ft²) and contains an existing two-storey detached dwelling with mature vegetation in the front yard. The property backs onto Lornewood Creek and the CN railway.

The applicant is proposing additions to the dwelling requesting variances for dwelling depth, garage projection, setbacks, height, eave height and number of kitchens.



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 of the four tests to this minor variance request are as follows:

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

The subject property is located within the Clarkson-Lorne Park Neighbourhood Area and is designated Residential Low Density I. The Residential Low Density I designation permits only detached dwellings in this area. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the surrounding context.

Therefore, planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

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

Variance #1 pertains to dwelling depth and variance #2 pertains to garage projection. The intent of the zoning by-law in regulating the dwelling depth is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. The intent of the zoning by-law with respect to garage projections is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling's depth is existing, which includes the existing garage projection as well. The addition and alteration being proposed do not add to the dwelling depth or garage projection further. The dwelling does not require relief from any lot coverage or gross floor area regulations, which could have had the effect of exacerbating a building's massing. Staff are of the opinion that while staff would typically not support the proposed depth and garage projection, it is existing in this instance and the addition does not significantly alter the primary footprint of the dwelling. This mitigates any new potential impacts to neighbouring dwellings and the streetscape.

Variances #3 to #6 are regarding reduced setbacks. The general intent of the side yard regulations is to ensure that an adequate buffer exists between the massing of structures on abutting properties. The second storey addition is proposed on top of the existing first storey, which meets the ground floor setback requirement. Further, the application proposes no changes to the existing setbacks maintained by the dwelling. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Furthermore, the proposed side yards are not out of character within the immediate neighbourhood and maintain a sufficient buffer to the neighbouring properties.

Variances #7 and #8 are regarding the dwelling and eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling by lowering the overall

pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increases in height are appropriate for the subject property. Staff also note that for portions of the property the average grade is below the finished grade, thereby reducing the appearance of the overall height of the structure. Further, the incorporation of architectural features like varying rooflines and windows in the dwelling's design further mitigates any massing impacts. Lastly, staff note the proposed height is lower than what is existing by 1.63m (5.34ft), mitigating potential negative impacts. This would bring it closer to the intent of the by-law.

Variance #9 pertains to the number of kitchens. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of second unit policies as well as new provincial and municipal legislation regulating three and four dwelling units as of right, the impact of an additional kitchens would be minor in nature.

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

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Notwithstanding the above comments on the requested variance, staff note that the width of the driveway does not meet the requirements under the zoning by-law. Staff are unable to ascertain whether the driveway is legal, noncomplying under Zoning regulation 2.1.8.1 without sufficient information, as mentioned by the applicant in their cover letter. As such, staff are unable to comment if the driveway meets the four tests of a minor variance. The applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and more information for review.

Comments Prepared by: Shivani Chopra, 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:

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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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance: A-24-317M / 1176 Tecumseh Park 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.
- 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.
- 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.

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located within 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 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.
- 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. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed (ROP S.2.14).

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – CVC

CVC File No. A24/317

Municipality File No. A317.24

Harjit Anjie Chhoker and Rajvinder S. Chokker

1176 Tecumseh Park Drive

Lot 22 Con 2 SDS 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.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due slope hazard associated with Lornewood Creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits 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:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A dwelling unit depth of 26.42m (approx. 86.68ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
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9. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

COMMENTS:

Based on the review of the information provided, it appears that the proposed variances are setback sufficiently from the natural features of interest to CVC. As such, CVC has no objection to the approval of the proposed variances at this time.

Please be advised that the property is regulated by CVC and a CVC permit is required for the proposed works.

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 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 6 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1176 Tecumseh Park Drive to construct minor additions to the existing two-storey dwelling including squaring off the existing rear great room and basement family room projection, resulting in two small triangular additions totaling approximately 3.90 m², as well as second floor additions, and various additions on the side of the dwelling fronting Tecumseth Park Dr, as circulated on June 25th, 2024, and to be heard at Public Hearing on July 25th, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised of the following:
- **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst