

# City of Mississauga Department Comments

Date Finalized: 2024-08-16	File(s): A332.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 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. Building outside the R3-80 envelope whereas By-law 0225-2007, as amended, requires building within the R3-80 envelope in this instance;
2. A westerly side yard of 5.92m (approx. 19.42ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 8.40m (approx. 27.56ft) in this instance;
3. A rear yard of 15.51m (approx. 50.89ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 24.80m (approx. 81.36ft) in this instance; and
4. An eave height of 6.90m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address:** 1260A Kane Rd

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

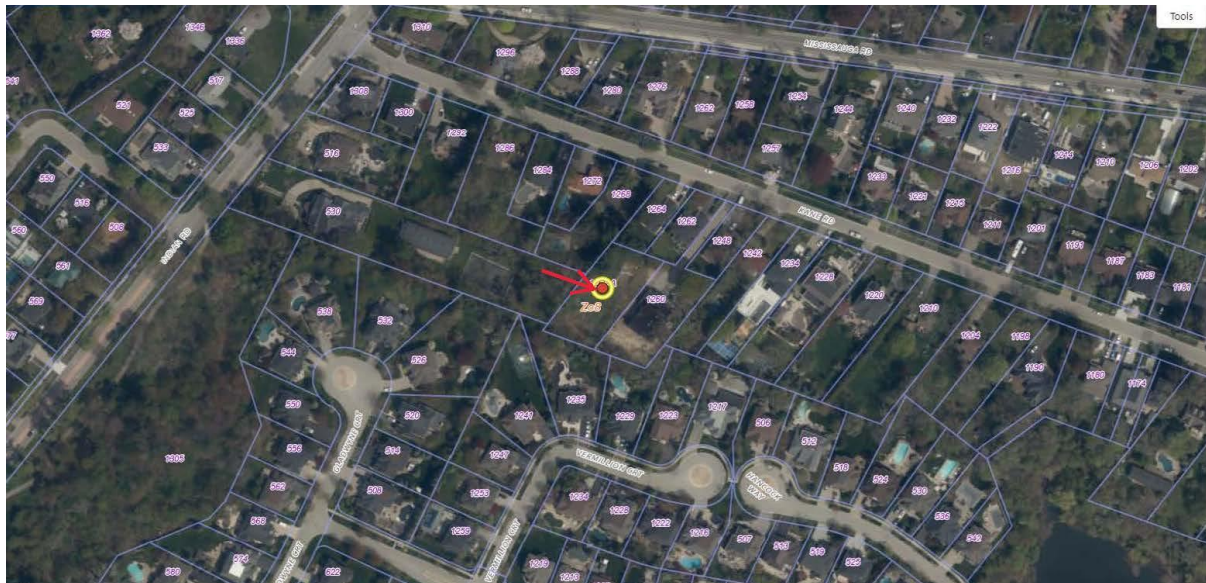
**Zoning:** R3-80 - Residential

**Other Applications:** Building Permit application BP 9NEW 24-1946

## Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. A private driveway from Kane Road leads to the subject property. The driveway is the only portion of the property with frontage on Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer/larger two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property is currently under construction.

The applicant requests the Committee to permit a dwelling proposing variances pertaining to buildable area, eave height and side and rear 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 proposed development is subject to a 2019 Ontario Land Tribunal (OLT) decision that approved a site-specific zoning by-law amendment and draft plan of subdivision for a two-lot residential subdivision accessed by way of a main driveway onto Kane Road.

On August 24, 2023, file A295.23 was approved for an identical variance for 1260 Kane Road lot B. This variance was required to accommodate previously approved variances for dwelling depth and garage projection under file A419.22 on October 20, 2022.

However, in this instance, Zoning staff have identified that Variance#1 can not be a variance as it would give the applicant carte blanche to build on site. Zoning staff have confirmed that the variance needs to be expressed with dimensions specific to each lot line in this instance. Staff are of the opinion that Variance #1 needs to be appropriately worded.

Therefore, staff recommend that the application be deferred to allow the applicant an opportunity to accurately identify the variances required.

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 dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 24/1946.

Attached is a picture of the vacant lot and the existing dwelling to the south.

Comments Prepared by: John Salvino, Development Engineering Technologist







## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 24-1946. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

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 injury or 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

#### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner