

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A387.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 1:00:00 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, as requested, 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 a flat roof height of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend that a condition be added to tie approval to the submitted drawings and to permit the variance for a two-storey dwelling only.

Background

Property Address: 1265 Tecumseh Park Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

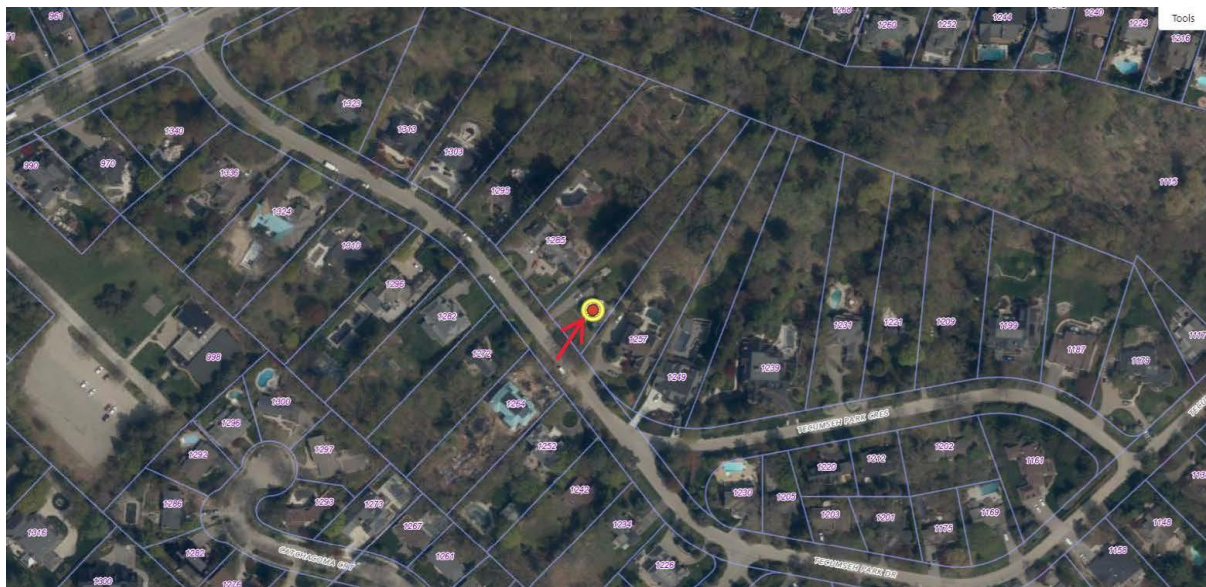
Zoning: R1-2 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Tecumseh Park Drive and Indian Road intersection. The immediate neighbourhood is residential, consisting primarily of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property is currently under construction. Adjacent to the subject property at the rear is a City owned park known as Tecumseh Park.

The application proposes a new two storey dwelling requiring a variance related to flat roof height.



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:

Staff note the subject property was before the Committee of Adjustment on November 17, 2022, under file A522.22. The application was approved for variances pertaining to garage area,

dwelling depth, combined side yard setback, eave height and dwelling height. A dwelling height to the highest roof ridge for a sloped roof of 10.02m (32.87ft) was approved.

However, the definition of a flat roof height changed on October 13, 2023, with the adoption of By-Law Number 0158-2023. The Flat Roof definition has been updated to a roof where 35% or more of the total roof area has a roof angle of less than 15° above the horizontal, instead of the previous 50%. The intent behind changing the definition was to limit roofs which have the appearance of a flat roof but are permitted the greater height permissions of a sloped roof.

The applicant modified the roof to comply during the building permit process but is now seeking an approval of the original roof proposal, which has 47.82% flat roof and 52.18% sloped roof. Staff note that this is now considered a flat roof.

Staff are of the opinion that the variance is technical in nature and does not present new impacts compared to the previous approval. Staff are satisfied that the current design of the roof still presents as a sloped roof and limits the dwelling to two stories, keeping in line with the intent of limiting flat roof heights.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 23/9306.



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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Tecumseh Park (P-015), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- a) Ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry Section of the Community Services Department has reviewed 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the proposed 6.0-6.68m driveway on Tecumseh Park Dr. may impact the existing Red Maple tree and White Spruce tree, located within the City Right-of-Way (ROW). Further information regarding these trees is noted below:

- Red Maple (#1): 45cm DBH approx., good condition, minimum Tree Protection Zone (TPZ) 3.0m, located northwest of the proposed driveway, City owned tree
- White Spruce (#2): 40cm DBH approx., good condition, minimum Tree Protection Zone (TPZ) 2.4m, located northwest of the proposed driveway, City owned tree

Forestry also notes that the proposed New 13.5-38mm dia. Copper 'K' W.S., New V&B at P/L as well as New 16-32mm dia. Copper 'K' W.S may impact the adjacent existing Red Maple tree and Red Oak tree, located within the City ROW. Further information regarding these trees is noted below:

- Red Maple (#3): 26cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.8m, located northwest of the proposed above-mentioned utilities, City owned tree
- Red Oak (#4): 65cm DBH, good condition, minimum Tree Protection Zone (TPZ) 4.2m, located southeast of the proposed above-mentioned utilities, City owned tree

Care should be taken to protect the above noted City trees, as well as any additional City trees along this property's frontage, as best as possible. If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. If any construction works encroach into a tree's minimum TPZ, the tree will be injured. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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 – CVC

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 to flood and slope hazard associated with Tecumseh creek, as well as a wetland. 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 of a new house proposing a flat roof height of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has no objection to the approval of the minor variance at this time. The proposed works have been reviewed by CVC as part of permit application FF 23/112 and a CVC permit has been issued.

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 5 – Region of Peel

Minor Variance Application: A-24-387M / 1265 Tecumseh Park 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.
- 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.

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located within the floodplain of the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner