

City of Mississauga Department Comments

Date Finalized: 2024-09-25	File(s): A332.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A buildable area of 475.75sq m (approx. 5120.97sq ft) whereas By-law 0225-2007, as amended, permits a maximum buildable area of 249.78sq m (approx. 2688.63sq ft) in this instance;
2. A westerly side yard setback of 5.92m (approx. 19.42ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 8.40m (approx. 27.56ft) in this instance;
3. A rear yard setback of 15.16m (approx. 49.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 24.80m (approx. 81.37ft) 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.

Amendments

The Building Department is processing Building Permit BP 9 NEW 24-1946. Based on review of the information available in this application, Zoning staff advise that following amendment(s) is/are required:

1. Variance #1 is not accurate
2. A westerly side yard setback of 6.39m (approx. 19.42ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 8.10m (approx. 27.56ft) in this instance;
3. A rear yard setback of 15.51m (approx. 49.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 24.80m (approx. 81.37ft) in this

instance; and

4. An eave height of 6.79m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Additional variances are required,

5. A proposed driveway width of 9.1m beyond 6.0m of the garage face whereas By-law 0225-2007 as amended permits a driveway width of 8.5m beyond 6.0m of the garage face.
6. A proposed interior yard setback to a window well of 7.22m whereas By-law 0225-2007 as amended, does not permit a window well to exceed the buildable area of 8.1m
7. A proposed interior yard setback to a window well of 6.67m whereas By-law 0225-2007 as amended, does not permit a window well to exceed the buildable area of 8.1m

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

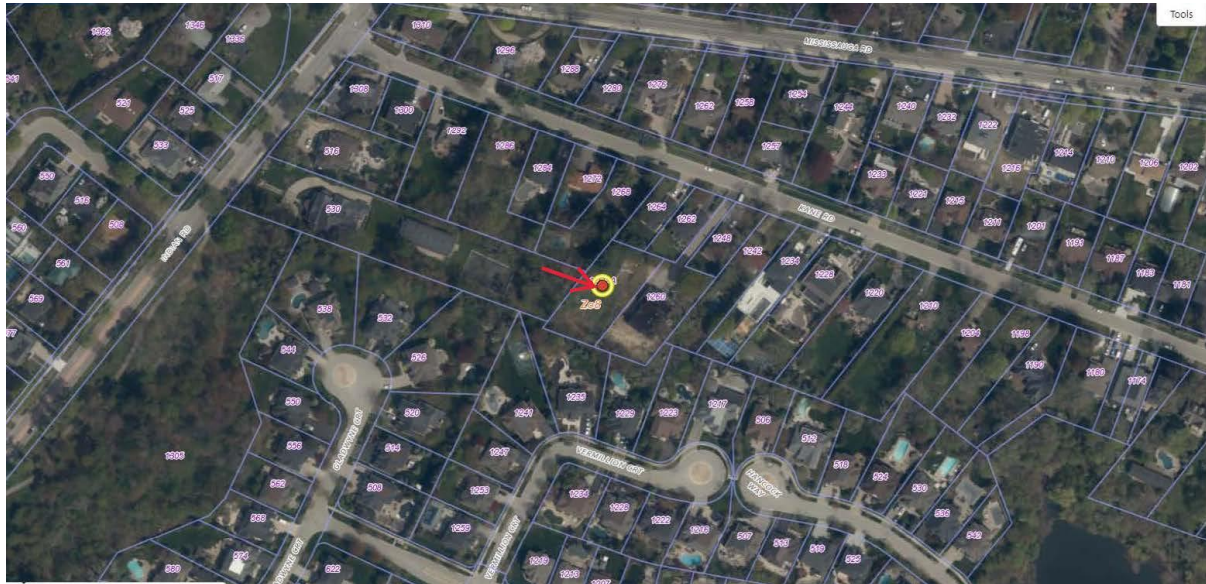
Zoning: R3-80 - Residential

Other Applications: Building Permit application BP 9 NEW 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 driveway width, 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 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 designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings. The proposed detached dwelling respects the designated land use. Staff are satisfied that the proposal has regard for the distribution of massing on the property as a whole and will not negatively impact the character of the streetscape. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

Zoning staff have reviewed the proposal and note Variance #1 is inaccurate.

Variance #3 pertains to rear yard setback. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. The requested variance is at its smallest setback and is measured to the rear covered patio. Staff note that the lot line is not parallel to the dwelling and the setback is measured to a pinch point which improves along the north side of the dwelling. Staff note that while the dwelling sits outside of the buildable area prescribed in the exception site scheduled in this instance, requiring reduced rear yard setback, no variance is required for lot coverage or gross floor area, which mitigates potential massing impacts. Staff are satisfied that the dwelling maintains adequate buffer between adjoining properties and that appropriate amenity area is provided within the rear yard.

Variances #2, #6 and #7 pertain to side yard setbacks. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage patterns can be provided and access to the rear yard remains unencumbered. The majority of the dwelling is within the stipulated buildable area within site schedule R3-80, meeting the required side yard setback regulations. The relief is measured to a small portion of the dwelling as well as window wells. Staff are satisfied that the proposed decrease is measured to elements that present limited massing concerns. Furthermore, the proposed setbacks maintain adequate access to the rear yard and ensure an adequate buffer is provided. Additionally, Transportation and Work's staff have noted no drainage concerns.

Variance #4 is required for an increase in eave height. Planning staff have no concerns regarding this variance. The requested variance represents a minor increase over the maximum height regulation. No overall height variance is required. The proposed dwelling also contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as staggered walls, decorative columns and varying window sizes. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character of the streetscape.

Variance #5 pertains to driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping (front yard). In this instance, a driveway width of 10.50m (34.4ft) within 6m (19.69ft) of the front garage face is permitted. Staff note that the proposed variance is required to accommodate a curve in the driveway which connects with the shared driveway. A majority of the shared driveway (connecting to Kane Road) maintains a width of 3.5m (11.48ft), which is far below the 6m (19.69ft) maximum.

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

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 and existing character of the area.

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.

"[Enter T&W staff comments]"

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9 NEW 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.

The Building Department is processing Building Permit BP 9 NEW 24-1946. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

8. Variance #1 is not accurate
9. A westerly side yard setback of 6.39m (approx. 19.42ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 8.10m (approx. 27.56ft) in this instance;
10. A rear yard setback of 15.51m (approx. 49.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 24.80m (approx. 81.37ft) in this instance; and
11. An eave height of 6.79m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Additional variances are required,

12. A proposed driveway width of 9.1m beyond 6.0m of the garage face whereas By-law 0225-2007 as amended permits a driveway width of 8.5m beyond 6.0m of the garage face.

13. A proposed interior yard setback to a window well of 7.22m whereas By-law 0225-2007 as amended, does not permit the a window well to exceed the buildable area of 8.1m

14. A proposed interior yard setback to a window well of 6.67m whereas By-law 0225-2007 as amended, does not permit the a window well to exceed the buildable area of 8.1m

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Please apply nay previous comments.

Comments Prepared by: Petrele Francois, Junior Planner

City of Mississauga Department Comments