

City of Mississauga Department Comments

7Date Finalized: 2024-10-16 To: Committee of Adjustment	File(s): A471.24 Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 3:30:00 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 an addition and driveway proposing:

1. A gross floor area (infill residential) of 422.49sq m (approx. 4547.68sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 422.04sq m (approx. 4542.84sq ft) in this instance;
2. An interior side yard setback of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
3. An interior side yard setback to the balcony of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the balcony of 2.41m (approx. 7.91ft) in this instance;
4. An interior side yard setback to the roof overhang of 1.08m (approx. 3.54ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the roof overhang of 1.35m (approx. 4.43ft) in this instance;
5. A combined sideyard width of 8.38m (approx. 27.49ft) whereas By-law 0225-2007, as amended, requires a minimum combined sideyard width of 8.99m (approx. 29.50ft) in this instance.

Amendments

The Building Department is processing Building Permit application BP 9NEW 23-5937. Based on review of the information available in this application, Zoning staff advise that following amendment is required:

6. A driveway width of +/-18.10m (approx. 59.38ft) whereas By-law 0225-2007, as

amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;

Background

Property Address: 1385 Truscott Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

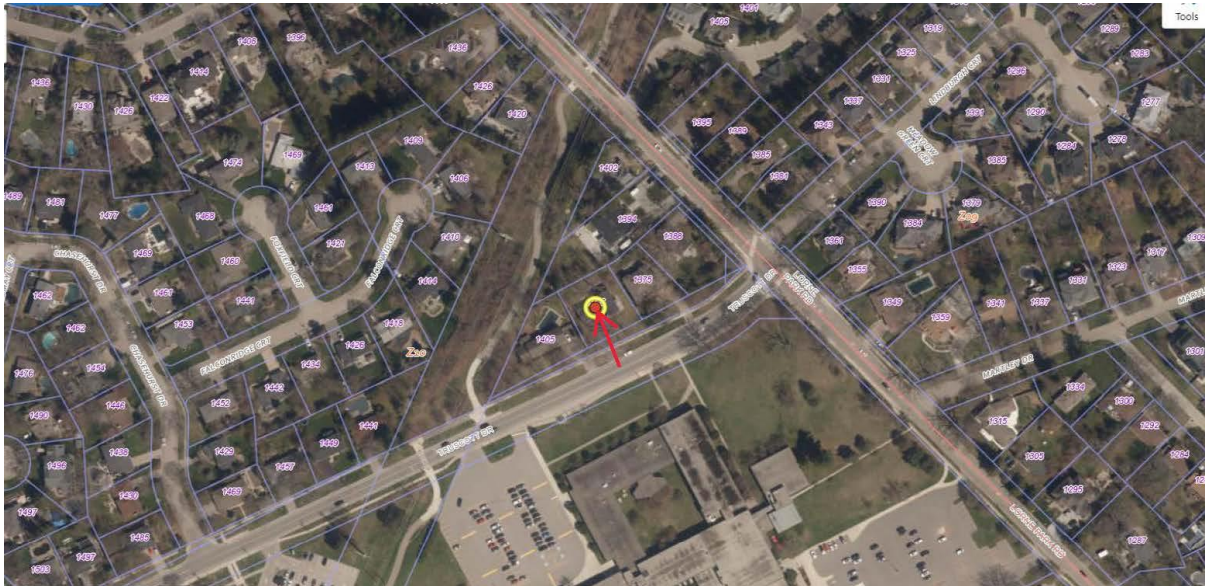
Zoning: R2-4 - Residential

Other Applications: Building Permit File BP 9NEW 23/5937

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Character Area, southwest of the Indian Road and Lorne Park Road Intersection. The surrounding neighbourhood consists of one, one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with vegetation in the front yard.

The applicant is proposing a garage addition requesting variances related to gross floor area, combined side yard width, setbacks and driveway width.



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 located in the Clarkson - Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

Staff note the subject property was before the Committee of Adjustment on January 25, 2024, under file A399.23 wherein an identical variance for a driveway width of 18.12m (59.45ft) was requested. Further, a variance was requested for setback measured to the balcony. Staff had raised concerns with the excessive driveway width and had requested clear drawings with regards to the balcony setback. Staff had recommended deferral at the time and the application was deferred by the applicant.

The current application seeks variances for gross floor area and setbacks measured to the garage addition, balcony and eaves. Staff note that the requested additional drawings have been provided.

However, staff note that the current driveway has not been modified to address concerns raised by staff in the original application. As such, staff remain of the opinion that the driveway width remains excessive, and that the driveway will facilitate significantly more parking than what is required in the zoning by-law.

Therefore, staff recommend that the application be deferred to redesign the driveway.

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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 23/5937.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-5937. Based on review of the information available in this application, we advise that following amendment is required:

6. A driveway width of +/-18.10m (approx. 59.38ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;

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: Gary Gagnier; 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 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 currently proposed asphalt driveway layout on Truscott Dr. will likely impact the existing Red Oak tree located within the City Right-of-Way (ROW) along the property frontage, possibly resulting in this tree being injured. Additional information regarding this tree is as follows:

- Red Oak: 80cm DBH, good condition, minimum Tree Protection Zone (TPZ) 4.8m, located south of the proposed asphalt driveway, City owned tree.

Forestry also notes the concrete paving construction works in the driveway will likely impact the existing multi-stem Black Walnut tree (ownership to be determined) along the property frontage, possibly resulting in this tree being injured. Additional information regarding this tree is as follows:

- Black Walnut: 81cm DBH, multi-stem, good condition, minimum Tree Protection Zone (TPZ) 4.7m, located south of the concrete paving in the driveway, ownership to be determined.

There are additional trees along the property frontage that do not appear to be impacted by the currently proposed construction works at this time. If there are any changes to the proposed design, Forestry will need to reassess any potential tree impacts.

If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

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 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 – TNPI

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the application for minor variance for the proposed development to allow an addition and driveway proposing a additional of a garage with a gross floor area of 422.49 sq m. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 10 foot right of way (ROW) on the adjacent property to the north the proposed development relating to 1385 Truscott Dr.

Please note the following in relation to the proposed addition:

- Permanent structures must remain outside of the ROW and are requested to be set back 10 m from the ROW
- Access to the structure (ie. Driveway) must remain outside for the ROW and is requested to be setback 10 m from the ROW

Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*
- **Prohibition — vehicles and mobile equipment**
It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless
 - **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
 - **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant propose to cross the pipeline or ROW with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Michelle Gruszecki, Property and Right-of-Way Administrator via email at : mgruszecki@tnpi.ca

As always, Trans-Northern Pipeline Inc. appreciates being circulated development applications.

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator

Appendix 5 – Region of Peel

Minor Variance Application: A-24-471M / 1485 Truscott Drive

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800 x6019

Comments:

- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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 by email at siteplanservicing@peelregion.ca.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner