

# City of Mississauga Department Comments

Date Finalized: 2024-10-25	File(s): A472.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-31 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. A driveway width of 9.35m (approx. 30.68ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
2. An eaves height of 7.45m (approx. 24.44ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A gross floor area of 642.53sq m (approx. 6916.19sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 531.05sq m (approx. 5716.22sq ft) in this instance;
4. 2 kitchens on first floor whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchens on first floor in this instance;
5. A combined side yard width of 5.14m (approx. 16.86ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 7.95m (approx. 26.08ft) in this instance.

## Background

**Property Address:** 364 Temagami Cres

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

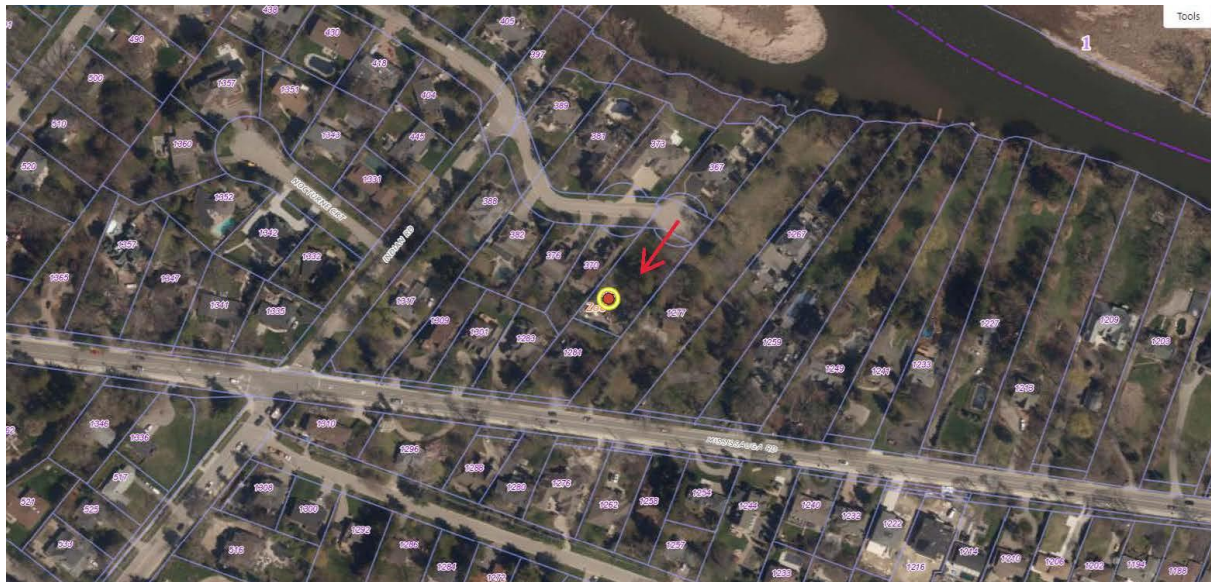
**Zoning:** R1-2 - Residential

**Other Applications:** Building Permit 24-2851

### Site and Area Context

The subject property is located within the Clarkson - Lorne Park Neighbourhood Character Area, north-east of the Mississauga Road and Indian Road intersection. The subject site is located at the end of the cul-de-sac associated with Temagami Crescent. The immediate area consists primarily of two storey detached dwellings with mature vegetation in the front yard. The subject property contains an existing one-storey detached dwelling with some vegetation in the front yard.

The applicant is proposing a new house requiring variances for driveway width, gross floor area, combined width of side yards, eave height and two 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 designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this area. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The proposal respects the designated and surrounding land uses. 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. Planning staff are satisfied 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 requests an increase in the driveway width. Under the zoning by-law, the maximum driveway width permitted on a property of this size, is 10.5 metres (34.45ft) within 6 metres (19.69ft) of the garage face, if it provides direct access to the garage and 8.5 metres (27.89ft) beyond 6 metres (19.69ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3-car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. As such, the variance is only required for the driveway beyond the 6m of the garage face. Staff are satisfied that the increase is minor and does not facilitate the parking of an additional vehicle. Further, due to the curved front lot line, staff are satisfied that the increase will not negatively impact the streetscape.

Variance #2 pertains to eave height. The intent of restricting eaves height is to lessen the visual massing of the dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. Staff note that no overall height variance is required. Further, the dwelling contains varying rooflines, and the variance is required to accommodate only a portion of the roof. A major portion has an eave height of 6.52m (21.39ft). Staff are of the opinion that the proposed eave height represents a minor deviation from the regulation.

Variance #3 pertains to gross floor area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. While the GFA increase appears high numerically, staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings. Staff are of the opinion that the proposed design limits its impact to both abutting properties and the streetscape. Further, staff note no variances have been requested for lot coverage or overall height which further mitigates massing impacts.

Variance #4 is regarding two kitchens. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of the second unit policies along with the new provincial and municipal legislation regulations permitting three and four dwelling units as of right, the addition of a second kitchen is minor in nature.

Variance #5 requests relief in the combined side yard width. The general intent of setback regulations is to ensure that an adequate buffer exists between the massing of structures on adjoining properties. Staff note that the proposed dwelling provides adequate individual side yard setbacks. Staff are of the opinion that the dwelling maintains sufficient buffer between primary structures on neighboring properties. Further, through a review of the immediate neighborhood, staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area.

Given the above, staff are satisfied that the intent and purpose of the zoning by-law is maintained.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in 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 dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 24/2851.

Comments Prepared by: John Salvino, Development Engineering Technologist





### **Appendix 2 – Zoning Comments**

The Building Division is processing Building Permit 24-2851. Based on the review of the information available in this application, the requested variances are correct.

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: Candice Williams, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Forestry Section of the Community Services Department has reviewed 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 Technician, 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 Technician

## Appendix 4 – Region of Peel

### Minor Variance Application: A-24-472M / 364 Temagami Crescent

Development Engineering: Brian Melnyk ([brian.melnik@peelregion.ca](mailto:brian.melnik@peelregion.ca))(905) 791-7800 x3602

#### Comments:

- 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](mailto: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](mailto: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.

Note: Petrele Francois ([petrele.francois@peelregion.ca](mailto:petrele.francois@peelregion.ca))(905) 791-7800 x3356

- Please be advised that the subject lands are located within 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

### **Appendix 5 – CVC**

The subject property at 364 Temagami Crescent in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

If you have any further questions, please do not hesitate to contact the undersigned.

Comments Prepared by: Stuti Bhatt, Junior Planner