

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2024-10-30	File(s): A485.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/7/2024 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the application, as amended, subject to the conditions.

## Application Details

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

1. A walkway width of 2.59m (approx. 8.50ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
2. A front yard setback of 4.57m (approx. 14.99ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
3. A garage area of 336.90sq m (approx. 3626.39sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
4. An eaves height of 7.31m (approx. 23.98ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A driveway width of 11.06m (approx. 36.29ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
6. A flat roof height of 9.47m (approx. 31.07ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
7. A combined side yard setback of 6.66m (approx. 21.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.23m (approx. 27.00ft) in this instance;
8. A dwelling depth of 21.98m (approx. 72.12ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
9. A garage projection of 13.72m (approx. 45.02ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance;
10. An accessory structure area of 58.44sq m (approx. 629.05sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
11. An accessory structure height of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as

amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;

12. A gross floor area of 1275.54sq m (approx. 13729.91sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 872.63sq m (approx. 9392.99sq ft) in this instance.

### **Amendments**

Through revised drawings received and discussions with the agent, Planning staff have confirmed that the variance for driveway width is no longer required.

As such, Variance #5 should be withdrawn.

### **Recommended Conditions and Terms**

Should the Committee see merit in the application, staff advise the following condition be tied to the final decision:

1. Variance #3 and #12 pertaining to increase in garage area and gross floor area be tied to the below-grade garage.
2. That a condition be added to tie approval with general conformance to the drawings submitted.

## **Background**

**Property Address: 140 Pinewood Trail**

### **Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### **Zoning By-law 0225-2007**

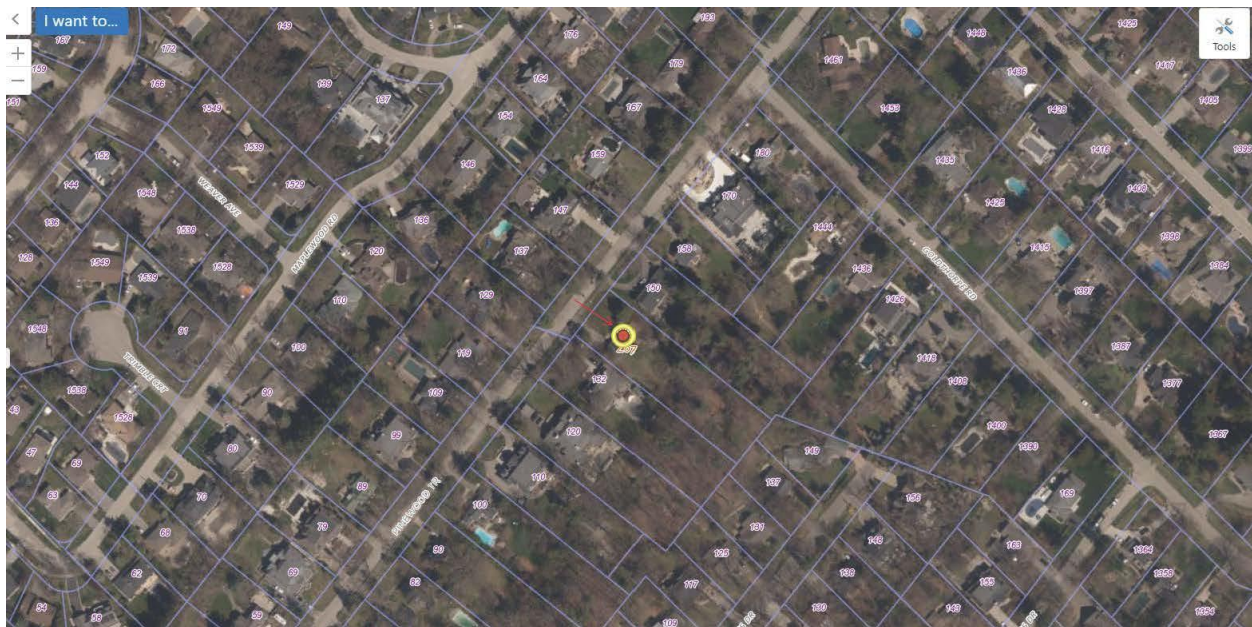
**Zoning: R1-2 - Residential**  
**Other Applications: Building Permit application 24-2630**

### **Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, east of the Hurontario Street and Pinewood Trail intersection. The immediate neighbourhood is entirely

residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in both front and rear yards.

The applicant is requesting permission to construct a new two-storey detached dwelling requiring variances related to walkway, driveway, front yard setback, garage area, eave height, dwelling height, combined side yard setback, dwelling depth, garage projection, gross floor area and accessory structure area and 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 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 only permits 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.

Staff are satisfied that the proposal respects the designated land uses. Staff note that a majority of the variances pertain to elements like a below-grade garage, accessory structure and walkway which do not have similar impacts on the streetscape as the main dwelling. As such, Planning staff are of the opinion that the proposed built form of the detached dwelling is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape.

Planning staff are of the opinion 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 pertains to walkway width. The intent of this regulation is to limit excessive hard surfaces within the yard and to provide a convenient and dedicated pathway to accommodate pedestrians as well as to define an entryway to the dwelling and that the walkways cannot be utilized for parking purposes. Staff are of the opinion that the proposed walkway is appropriately sized for the subject property. Given the nature of the walkway design, staff are satisfied that the walkways will not accommodate vehicular access and parking.

Variance #2 requests reduced front yard setback. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff have no concerns with the requested variance, as the reduced front yard setback is measured below grade. Staff note the dwelling is setback at 18.29m (27.19ft), which is well over the required front yard setback of 12.00m (39.37ft). Staff are of the opinion that the reduction in the front yard does not have any impact on the streetscape and the neighbourhood.

Variance #3 requests an increase in the garage area and Variance #9 pertains to garage projection. Staff note these variances are technical in nature. The proposed garage is located below grade, accessed with a car elevator from the at-grade garage. Staff note the above-grade portion of the garage meets the garage area requirements. Staff are satisfied that the garage will not pose any massing concerns or take away from the residential nature of the dwelling, as it is fully located below grade.

Variances #4 and #6 request an increase in the eave height and dwelling height respectively. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff note that while the roof is technically considered a flat roof due to roof calculations, it visually appears as a sloped roof from the street. The permissible roof height for sloped roof is 9.5m (31.16ft). Staff are satisfied that the proposed increases in height are appropriate for the subject property. Further, staff are of the opinion that the incorporation of architectural features like varying materials and windows in the design mitigates any massing impacts.

Variance #5 pertains to driveway width. Staff noted concerns to the agent regarding an increased driveway width, following which, the agent submitted revised drawings to the Committee of Adjustment with reduced proposed asphalt and hardscaping. Staff have reviewed the revised drawings and have received confirmation from the agent that the revisions eliminate the need for this variance, and it will be withdrawn.

Variance #7 pertains to the combined side yard setbacks. Staff note that the proposed dwelling provides adequate individual setbacks for both the side yards. 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.

Variance #8 is regarding dwelling depth. The intent of the zoning by-law in regulating the dwelling depth is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. The dwelling does not require relief from any lot coverage or individual setback regulations measured to the dwelling above-grade, which could have had the effect of exacerbating a building's massing. Staff are satisfied that the proposed dwelling contains architectural features that break up the massing, minimizing the overall impact.

Variances #10 and #11 are related to accessory structure area and height. The intent of accessory structure regulations within the zoning by-law is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that while the accessory structure area is significantly higher than the area permitted for one structure, the proposed area is within the maximum permissible combined area of 60 m<sup>2</sup> (645.83ft<sup>2</sup>). Staff are satisfied that the proposed massing would be similar to 3 permissible individual structures placed side by side. Staff are satisfied that the proposed structure is clearly accessory to the primary structure on the property as the detached dwelling's footprint covers approximately 8.4 times the amount of area as the proposed structure and the proposed structures represent 1.71% of the total lot area. Further, the subject property has a deep rear yard, and the proposed structure is located in a manner which exceeds all required setbacks, mitigating potential impacts to neighbouring lots.

Variance #12 pertains to an increase in the gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff note the floor area of the below grade garage contributes 325.47m<sup>2</sup> (3,503 ft<sup>2</sup>) or 25.5% to the total gross floor area. If the area of the below grade garage was not included in these calculations, the variance for the gross floor area would represent a minor deviation from the existing regulations. Staff are satisfied that the increase in GFA below grade does not negatively affect the massing of the dwelling in this instance. Staff are satisfied that the proposal appropriately balances both the existing and planned built form and character of the neighbourhood. Furthermore, the dwelling is designed consists of staggered main walls, limiting the impacts of the massing.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

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

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and the proposal will not create any undue impacts to adjoining properties or the planned or 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 24/2630.

Regarding the driveway access: Our Traffic Planning does not recommend permitting a driveway access width exceeding 6m.

Through Traffic Engineering best practices, driveway widths on the municipal road network are generally minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces and clearly identify which property each driveway serves, etc.

The widened driveway access may lead to traffic safety and/or operational concerns such as sight distances, sight obstructions, corner clearance deficiencies, pedestrian safety issues, etc. due to the proposed changes and proximity to a signalized intersection.

Should the committee approve the minor variance, Traffic Planning requests these conditions for approval:

- An Access Review completed by a qualified Transportation Engineering Professional. The traffic consultant must provide a terms of reference to the City's Traffic Planning section for review and receive confirmation prior to commencing the assessment. The terms of reference can be addressed to [Trans.Projects@mississauga.ca](mailto:Trans.Projects@mississauga.ca). The assessment shall also provide recommendations, including for any mitigation measures as required.

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), would be at the cost of the owner. We are also noting that should any utilities/trees need to be relocated, all costs incurred will also be at the expense of the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities.

Comments Prepared by: John Salvino, Development Engineering Technologist







## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-2630. 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: Emily Majeed, Planner-in-Training

## Appendix 3 – Parks, Forestry & Environment

### Forestry Comments

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 driveway on Pinewood Trail may impact the existing Douglas Fir tree and will likely injure the Scotch Pine tree. Both trees are located within the City Right-of-Way (ROW). Care should be taken to protect the below noted trees as best as possible:

- Douglas Fir: 47cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 2.8m, located northeast of proposed driveway, City owned tree.
- Scotch Pine: 25cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 1.5m, located southwest of proposed driveway, City owned tree.

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

Comments Prepared by: Jamie Meston, Landscape Technician

## Appendix 4 – Region of Peel Comments

### Minor Variance Application: A-24-485M / 140 Pinewood Trail

Development Engineering: Brian Melnyk ([brian.melnyk@peelregion.ca](mailto:brian.melnyk@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.

Comments Prepared by: Petrele Francois, Junior Planner