

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-11-14	File(s): A483.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/21/2024 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 7.01m (approx. 23.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A garage projection of 2.24m (approx. 7.35ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance;
3. A height of highest ridge of 9.57m (approx. 31.40ft) whereas By-law 0225-2007, as amended, permits a maximum height of highest ridge of 9.00m (approx. 29.53ft) in this instance;
4. An eaves height of 6.98m (approx. 22.90ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

### Background

**Property Address:** 3269 Etude Dr

#### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

#### Zoning By-law 0225-2007

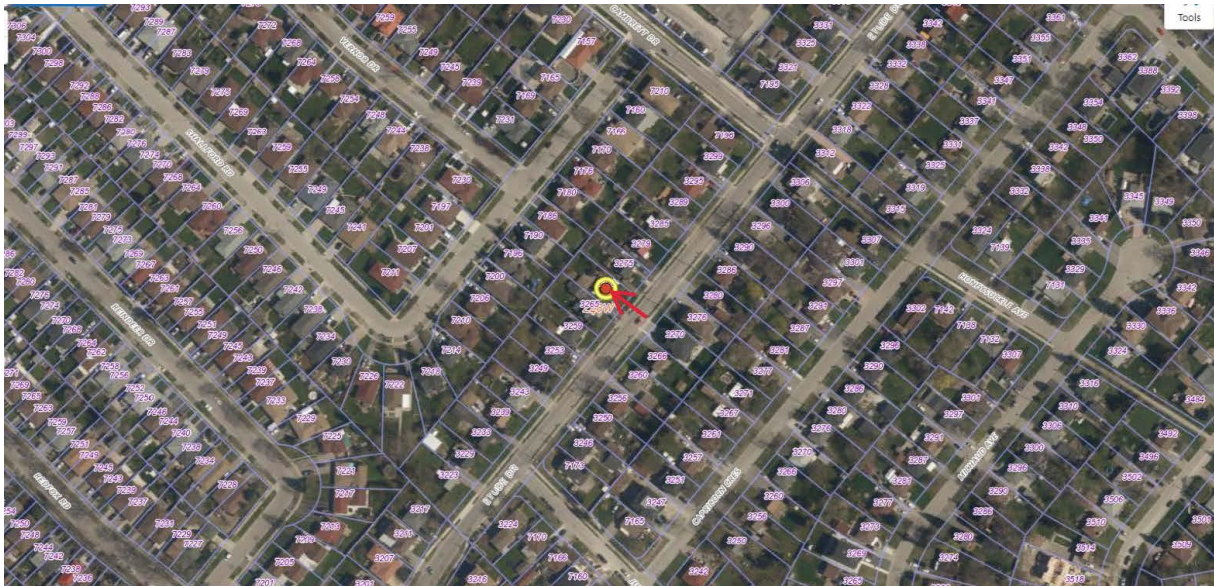
**Zoning:** R3-69 - Residential

## Other Applications: BP 9NEW 23-9262

### Site and Area Context

The subject property is located north-west of the Derry Road East and Goreway Drive intersection in the Malton Neighbourhood Character Area. It is an interior lot containing a one and a half storey dwelling and one-storey detached garage in the rear yard. Limited landscaping and vegetative elements are present on the subject property. The surrounding area is exclusively residential, consisting of detached dwellings on similarly sized lots.

The applicant is proposing a new dwelling requiring variances for driveway width, garage projection, dwelling height and eaves 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II. Section 9 of the Mississauga Official Plan (MOP) promotes

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development (including its features such as driveways and landscaping) with appropriate urban form and site design, regulating that such development is compatible with the existing conditions, the surrounding context and the landscape of the character area.

Variance 1 relates to a proposed increase in driveway width. The planned character of the area are dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. Staff are of the opinion that the increase in driveway width is minor, while the proposed driveway width does not facilitate the parking of additional vehicles across the driveway, nor does it create excessive hardscaping on the property.

Variance 2 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling has been designed in a manor that includes a projected, covered front porch which balances off the garage projection. Staff are satisfied that the projected porch minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Variances 3 and 4 request an increase in the dwelling and eave height respectively. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of the 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 are satisfied that the proposed increases in height are appropriate for the subject property and note that for portions of the property, the average grade is below the finished grade by 0.26m (0.85ft), reducing the appearance of the overall height of the structure.

Staff are satisfied that the proposal represents the appropriate development of the subject property. It is staff's opinion that the proposal poses no massing concerns on abutting properties. Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the proposal proposes appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 new dwelling will be addressed through the Building Permit Process.



Comments Prepared by: Tony Iacobucci, Development Engineering

### Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-9262. 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: Maria Fernandez, Zoning Examiner

### **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 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 Comments**

#### **Minor Variance Application: A-24-483M / 3269 Etude Drive**

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).

Comments Prepared by: Petrele Francois, Junior Planner

## Appendix 5 - TRCA Comments

This letter will acknowledge receipt of the City's circulation of the above noted Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on October 23, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the application in accordance with the Conservation Authorities Act (CA Act) and its associated regulations, which require TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. Whether acting on behalf of the Ministry of Natural Resources (MNR) or as a public body under the Planning Act, Conservation Authorities (CAs) must help ensure that decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a Provincial Plan.

In addition, TRCA staff have also reviewed these applications in accordance with TRCA's permitting responsibilities under Section 28.1 of the CA Act. Where development activities are proposed within a TRCA Regulated Area (i.e., river or valley, wetlands, hazardous lands, etc.), a permit is required from TRCA. TRCA must ensure that where a proposal is within an area regulated by TRCA, that the proposal conforms with the appropriate policies of Section 8 of TRCA's Living City Policies (LCP), which evaluate a proposal's ability to meet the tests of the CA Act and regulation.

### Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application A483/24 is to request the following variances under By-law 0225-2007:

1. Permit a driveway width of 7.01 metres, where a maximum driveway width of 6.00 metres is required;
2. Permit a garage projection of 2.24 metres, where a maximum garage projection of 2.00 metres is required;
3. Permit a height of the highest ridge of 9.57 metres, where a maximum height of the highest ridge is 9.00 metres; and,
4. Permit an eaves height of 6.98 metres, where a maximum eaves height of 6.40 metres is required.

It is our understanding that the requested variances are required to facilitate the construction of a replacement two-storey dwelling with an attached garage and driveway.

### **Background**

The subject property is located within a TRCA Regulated Area as result of a Regional Storm flood plain associated with the Mimico Creek Watershed that encompasses the entire lot. The applicant has received a permit (C-240460) from the TRCA to facilitate the construction of a replacement two-storey dwelling with an attached garage and driveway.

### **Application Specific Comments**

TRCA staff have reviewed and issued a permit for the proposed replacement dwelling, attached garage, and driveway (TRCA Permit No. C-240460, issued April 26, 2024). The previously approved plans were revised to reduce the garage projection and height for the minor variance application. As no additional development is proposed, TRCA is satisfied that the plans submitted with this application are consistent with the plans that were approved as part of TRCA's permit.

Based on the above, TRCA staff have no concerns with the proposed variance.

### **Fees**

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$660.00 (Minor Variance – Residential - Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

### **Recommendation**

As currently submitted, TRCA staff are of the opinion that the Minor Variance Application assigned City File No. A483/24 is consistent with Provincial policy. Specifically, Section 5 (Natural Hazards) of the PPS. Additionally, it is staff's position that this application is in conformity with TRCA's LCP policies. As such, TRCA has **no objection** to the approval of the application subject to the following conditions:

1. That the applicant provides the required \$660.00 planning review fee payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at 437- 880-1925 or at [cameron.mcdonald@trca.ca](mailto:cameron.mcdonald@trca.ca).

Comments Prepared by: Cameron McDonald, Planner I