

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-27	File(s): A456.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/5/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition and driveway proposing:

1. An eaves setback to the front yard of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, permits a maximum eaves setback to the front yard of 7.05m (approx. 23.13ft) in this instance.
2. A front yard setback of 6.70m (approx. 21.98ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A front yard setback to the front porch of 4.16m (approx. 28.38ft) whereas By-law 0225-2007, as amended, requires a minimum front yard porch setback of 5.90m (approx. 19.36ft) in this instance;
4. A height of eaves of 8.69m (approx. 28.51ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
5. A height to height ridge of a sloped roof of 10.31m (approx. 33.83ft) whereas By-law 0225-2007, as amended, permits a maximum height to height ridge of a sloped roof of 9.50m (approx. 31.17ft) in this instance;
6. A left side yard setback to the second storey eaves of 0.43m (approx. 1.41ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey eaves of 1.36m (approx. 4.46ft) in this instance;
7. A left side yard setback to the second storey of 1.14m (approx. 3.74ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
8. A left side yard setback to the eaves of 0.72m (approx. 2.36ft) whereas By-law 0225-

2007, as amended, requires a minimum side yard setback to the eaves of 0.75m (approx. 2.46ft) in this instance;

9. A left side yard setback of 1.14m (approx. 3.74ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;

10. A right side yard setback to the eaves of 0.89m (approx. 2.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves of 1.36m (approx. 4.46ft) in this instance;

11. A right side yard setback to the second storey of 1.66m (approx. 5.45ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance.

Amendments

Staff have received revised drawings from the applicant. As such, the following amendments are required:

Variance #4 be updated to reflect an eave height of 7.98m (26.18ft)

Variance #5 be updated to reflect a dwelling height of 9.57m (31.39ft).

Background

Property Address: 1143 Brooks Dr

Mississauga Official Plan

Character Area: Lakeview Neighborhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

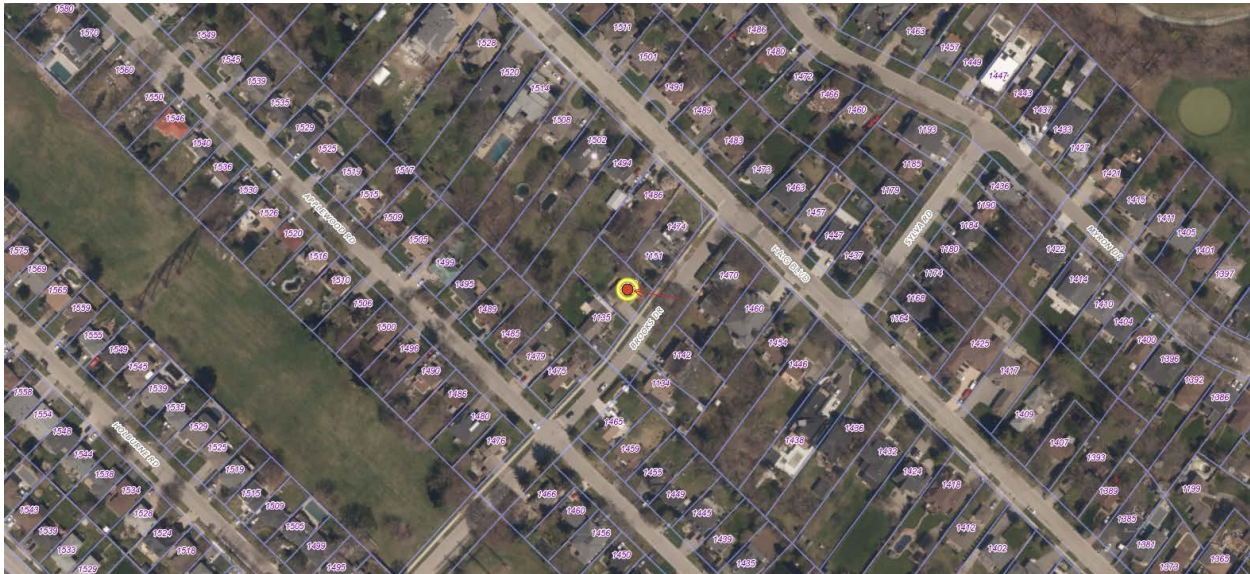
Zoning: R3-75 - Residential

Other Applications: Building Permit BP 9ALT 24-920

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of South Service Road and west of Haig Boulevard. The neighbourhood consists of newer and older one and two-storey detached dwellings. The subject property contains an existing one-storey detached dwelling with an attached garage along with mature vegetation in the front yard.

The applicant is proposing an addition and driveway modifications requesting variances for setbacks, 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, duplex dwellings. 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 addition is appropriate for the subject property. 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?

Variances #1 - #3 pertain to front yard setbacks measured to the eaves, dwelling and porch. The intent of a front yard setback is to ensure that a consistent character is maintained along

the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The first storey and eaves setbacks are existing, and a new front porch is proposed. Staff note that the dwelling maintains a front yard setback of 6.70m (22ft), which is consistent with other dwellings found in the neighbourhood. Staff are of the opinion that the eaves and porch do not pose the same massing concerns as the dwelling. Staff have no concerns with the requested variances and are of the opinion that the reduction in the front yard is minor and that adequate front yard amenity space is maintained in this instance.

Variances #4 and #5 request an increase in eave height and height. Staff had noted concerns about the proposed heights. The applicant has since revised the elevations and lowered the dwelling by 0.74m (2.42ft) and eave height by 0.71m (2.32ft). 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 are satisfied that the revised increases in height are appropriate for the subject property and represent a minor deviation from the regulations. Further, the dwelling maintains the required gross floor area and lot coverage, further mitigating massing impacts.

Variances #6-#11 pertain to side yard setbacks. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that access to the rear yard remains unencumbered, and that appropriate drainage patterns can be maintained. Staff note the dwelling meets the first storey setback on the right side and requires variance #9 for setback to the first storey on the left side. Variance #8 is measured to the left side eaves. Variance #10 is measured to eaves on the right side. Variances #6, #7 and #11 are measured to the second storey. The proposal seeks to add a second storey on top of the existing first storey. Staff note that the variances arise due to the existing position and orientation of the dwelling on the lot. Staff are satisfied that the proposal maintains the existing setbacks and that the second storey is aligned on top of the first storey. Staff are of the opinion that there is a sufficient buffer between massing of adjoining properties and that no changes are proposed to access to rear yard. Transportation and Works staff have raised no drainage concerns. Staff are of the opinion that the intent of side yard regulations is maintained in this instance.

Given the above, staff are satisfied that the variances meet 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?

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Staff are satisfied that the proposal is compatible with the existing scale and character of the surrounding community. The variance is minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

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 addition will be addressed by our Development Construction Section through Building Permit BP 9ALT-24/920.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit BP 9ALT 24-920 application . 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.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp – Zoning Plans 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-456M / 1143 Brooks Drive

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

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.
- 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.

- 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.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

Comments Prepared by: Petrele Francois, Junior Planner