

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A299.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 the construction of an addition proposing:

1. An eave height of 6.42m (approx. 21.06ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A height to the highest ridge of 10.51m (approx. 34.48ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. A lot coverage of 40.98% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. An exterior side yard setback (existing) of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
5. An interior side yard setback of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
6. A porch or deck encroachment (existing) into the existing setback of 5.74m (approx. 18.83ft) whereas By-law 0225-2007, as amended, permits a maximum porch or deck encroachment of 1.60m (approx. 5.25ft) in this instance;
7. 0 EV chargers whereas By-law 0225-2007, as amended, requires a minimum of 1 EV charger in this instance;
8. An eave encroachment into an interior side yard of 1.35m (approx. 4.43ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;
9. An eave encroachment into an exterior side yard of 5.18m (approx. 17.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft)

in this instance;

10. An eave encroachment into a front yard of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;

11. A corner lot frontage (existing) of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance;

12. An awning encroachment into a front yard of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, permits a maximum awning encroachment of 0.61m (approx. 2.00ft) in this instance; and,

13. A driveway width of 6.98m (approx. 22.90ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 1057 Dixie Road

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

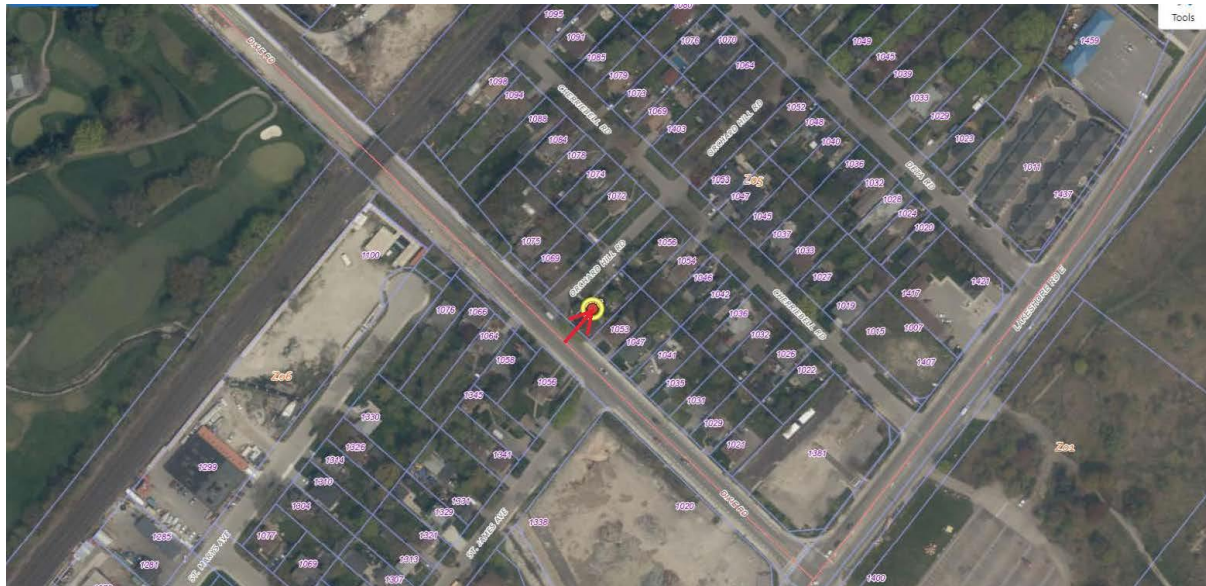
Zoning: R3-75-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north-east of the Dixie Road and Lakeshore Road East intersection. The immediate area consists primarily of two storey detached dwellings with mature vegetation in the front yard. There are industrial uses in the vicinity. The subject property contains an existing two-storey detached dwelling with some vegetation in the front yard.

The applicant is proposing the construction of an addition requesting variances for dwelling height, eave height, lot coverage, interior and exterior side yard setbacks, eave encroachment, EV chargers, lot frontage 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 of the four tests to this minor variance request are as follows:

This application was before the Committee of Adjustment on July 25, 2024, proposing an addition and a detached garage with a secondary access. Staff had raised concerns regarding the secondary access and the detached garage, and the file was deferred. The current proposal eliminates the detached garage and the secondary access.

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 detached, semi-detached and duplex 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?

Variances #1 and #2 request an increase in the eave 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 are satisfied that the proposed increases in height are appropriate for the subject property and is minor numerically. Staff note that for portions of the property, the average grade is below the finished grade by 0.16m (0.52ft) due to the grading of the property, thereby further reducing the appearance of the overall height of the structure. Staff are of the opinion that the incorporation of architectural features in the building design further mitigates any massing impacts.

Variance #3 requests an increase in the lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. In this instance the proposed dwelling's footprint represents 32.47% of the total lot coverage, which is within the maximum permissible by-law regulations. The variance is only required to accommodate a front porch, eaves and a covered deck. The existing shed, deck and roof overhangs represents the additional lot coverage. It is staff's opinion that these elements do not create the same massing impact as compared to an enclosed structure. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #7 pertains to EV chargers. Through discussion with Zoning staff, it has been confirmed that the EV Ready Parking Spaces are only required for new dwellings or detached garages, both of which are not being proposed in this instance. As such, staff are satisfied this variance is not required.

Variance #11 pertains to lot frontage. Staff note the lot already exists and the variance is to legalise the existing lot and staff have no concerns.

Variance #13 requests an increase in the driveway width. Staff note the driveway is existing and no change is proposed in the width. Staff are satisfied that the driveway will not be able to accommodate any additional parking and meets the intent of driveway regulations.

Variances #4, #5, #6, #8, #9, #10 and #12 all pertain to setbacks and encroachments. Staff note the proposed additions are built around the existing building envelope. The proposed rear yard addition on the exterior side of the dwelling is in alignment with the existing dwelling. Staff note Transportation and Works staff have raised no concerns regarding drainage. Further, staff are satisfied that the reduced setbacks measured to elements like eaves, awning and porch/deck do not pose massing concerns when compared to the dwelling. Staff are of the opinion that the proposal will not negatively affect neighbouring properties.

Given the above, staff are of the opinion that the application maintains 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?

Staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and do 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

In this resubmission, the updated drawings that the applicant has provided now show that there will not be an access onto Dixie Road. The existing access point from Orchard Hill Road will be utilized therefore with only one access point to serve the property our Traffic Section does not have a concern.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit, we are unable to confirm the accuracy of the information provided or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Emily Majeed, Planner-in-Training

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 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 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1057 Dixie Rd to construct a 2-storey rear addition and 2-storey side addition to the existing 2-storey dwelling as circulated on September 27, 2024, and to be heard at Public Hearing on October 24, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

Appendix 5 – Region of Peel

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner