

# City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A449.24
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 objection to the application.

## Application Details

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

1. A driveway width of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
2. An interior side yard setback to an accessory structure of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to an accessory structure of 1.20m (approx. 3.94ft) in this instance;
3. An interior side yard setback to the second storey of 2.33m (approx. 7.64ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
4. A combined width of side yards of 5.22m (approx. 17.13ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.69m (approx. 18.67ft) in this instance;
5. A driveway setback to side lot line of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to side lot line of 0.60m (approx. 1.97ft) in this instance;
6. An eaves height of 6.84m (approx. 22.44ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address:** 225 Pinetree Way

**Mississauga Official Plan**

Character Area: Mineola Neighborhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

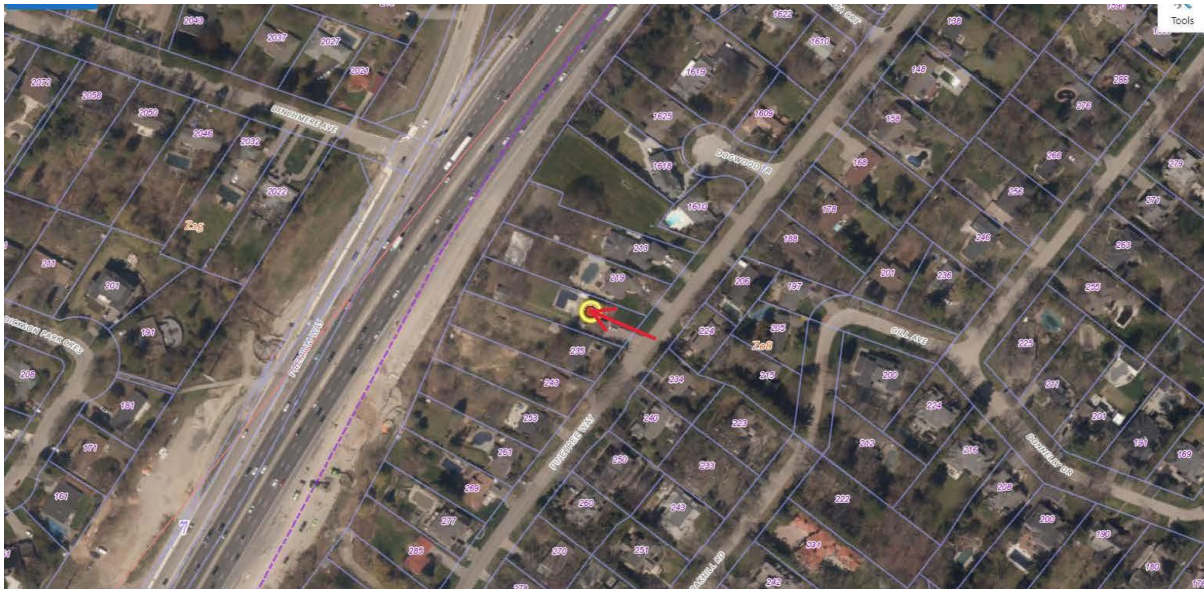
**Zoning: R4-15 - Residential**

**Other Applications: Building Permit application BP 9ALT 24-2836**

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of the South Service Road and Hurontario Street intersection. The immediate neighbourhood is primarily residential consisting of one and two-storey detached dwellings on lots with mature vegetation in the front yard. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing an addition requiring variances for driveway width, setbacks, combined width of side yard setbacks and eave 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 Mineola Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings in this instance. Section 9 of the 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 proposed addition presents a built form that is in line with the planned character of the area. Further, staff are satisfied that the proposal respects the surrounding context. Staff are therefore 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 and Variance #5 pertains to driveway setback. The intent of the driveway width regulations is to ensure that the driveway can suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. Staff are satisfied that the proposed driveway width does not create excessive hardscaping on the subject property, nor does it facilitate the parking of additional vehicles across the driveway. Furthermore, staff are of the opinion that the driveway is appropriately sized for the property and the proposed increase in the width is minor in nature. The intent of driveway setback regulations is to ensure a visual separation between properties and to allow for appropriate drainage patterns. Staff are satisfied that the proposed setback will provide an adequate visual buffer between properties and note that Transportation and Works have not raised any drainage related concerns.

Variance #2 requests a 0m setback measured to an existing accessory structure. Variance #3 pertains to setback measured to the second storey of the dwelling. Variance #4 pertains to 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, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained in this instance. Staff note the first storey of the dwelling meets the regulations and that the second storey setback is proposed in alignment with the existing dwelling. Further, staff are of the opinion that the variance is required to legalize the existing accessory structure and that the reduced setback will not impact the ability to perform any required maintenance on the structure or provide appropriate drainage patterns. Additionally, staff note the structure meets the by-law requirements for area and height. Staff are satisfied that these are existing conditions, and the addition does not pose new impacts.

Variance #6 pertains to eave height. 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 for portions of the property, the average grade is below the finished grade by 1.2m (4ft) due to the grading of the property, thereby reducing the appearance of the overall height of the structure and mitigating the height increase. Staff are satisfied that the proposed increases in height are appropriate for the subject property.

Staff are satisfied that the proposal 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 application is minor in nature and represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively, are minor in nature and 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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/2836.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 24-2836. 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: Gary Gagnier; Zoning Examiner

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

Comments Prepared by: Jamie Meston, Landscape Technician

### **Appendix 4 – MTO**

#### **RE: A449.24 - 225 Pinetree Way – Minor Variance**

The subject site appears to be located within the MTO Permit Control Area for the QEW, as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works.

Information regarding the application process, forms and the policy can be found at the following link:

<https://www.ontario.ca/page/highway-corridor-management>

Comments Prepared by: Nicole Hajjar, Corridor Management Officer

## Appendix 5 – Region of Peel

### Minor Variance Application: A-24-449M / 225 Pinetree Way

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

#### Comments:

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