

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-04-03	File(s): A42.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 4/10/2025 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 that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house and an accessory dwelling unit proposing:

1. A height of eaves of 7.04m (approx. 23.10ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A dwelling depth of 20.26m (approx. 66.47ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and
3. A lot coverage of 48.72%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% in this instance;
4. A front yard setback of 5.11m (approx. 16.77ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (19.69ft) in this instance; and
5. A height to the highest ridge of 10.21m (approx. 33.50ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.5m (approx. 31.17ft) in this instance.

Amendments

Through a review of the drawings submitted by the applicant, it appears that the proposed lot coverage is 49.4% whereas 40% is permitted. As such, Variance #3 should be amended.

Background

Property Address: 38 Ben Machree Dr

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density I

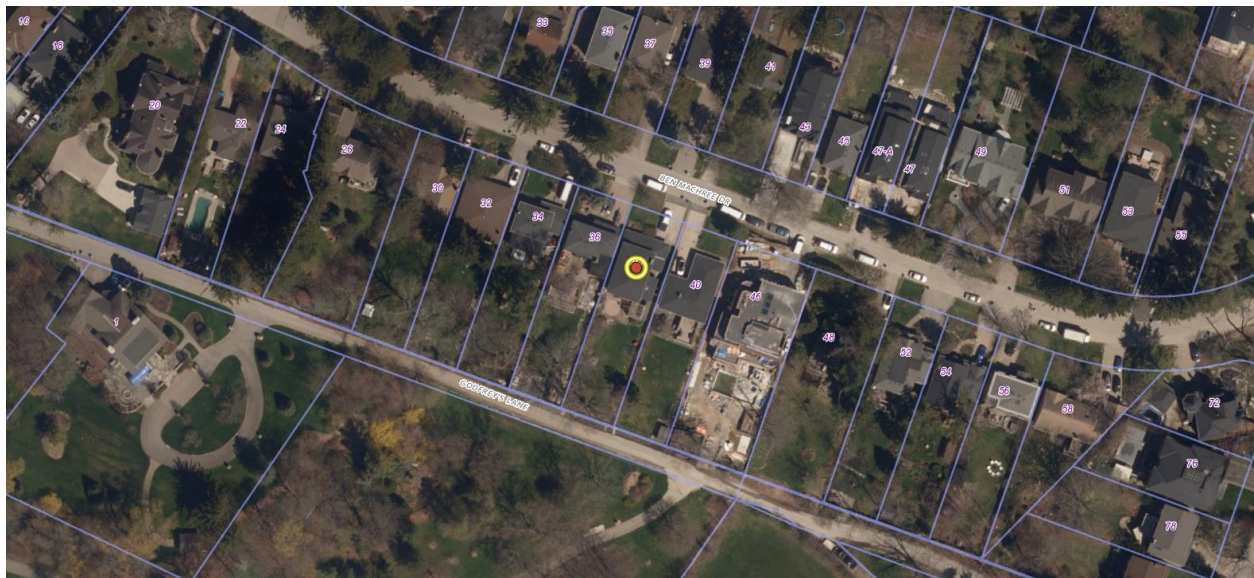
Zoning By-law 0225-2007

Zoning: R15-2 - Residential

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low density residential, containing one and two storey detached dwellings with significant mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to lot coverage, front yard setback, dwelling depth, dwelling 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 designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings. 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. Further, staff are satisfied that the proposal respects the surrounding context.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 and #5 pertain to eave height and dwelling 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 are of the opinion that the increase is minor in nature in this instance. Staff note that for portions of the property the average grade is below the finished grade, thereby reducing the appearance of the overall height of the structure. Further, the incorporation of architectural features like varying rooflines and windows in the dwelling's design further mitigates any massing impacts. Staff are satisfied that the proposed increases in height are appropriate for the subject property.

Variances #2 pertains to 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. Staff are of the opinion that the increase in dwelling depth is very minor numerically and is consistent with the neighbouring dwellings.

Variance #3 requests an increase in the lot coverage. Based on the drawings submitted, it appears that a lot coverage of 49.4% is required whereas 40% is permitted. 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. Staff note that regulation 4.1.1.9 in the zoning by-law states the following:

The overall maximum lot coverage of a lot shall be permitted to increase by up to an additional 10%, of which 10% is solely calculated towards a detached ARU (Additional Residential Unit).

Staff note that the dwelling's footprint is within the permissible 40% and that the additional coverage can be attributed to the proposed ARU in the rear yard. Therefore, staff are satisfied that the proposal does not represent overdevelopment or negatively impact the streetscape.

Variance #4 pertains to front yard setback. 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. Staff note that no variance is required for the front wall of the dwelling and that the dwelling's main walls meet the minimum front yard requirements. It is staff's opinion that since the reduction is measured only to the covered porch, the proposal does not present massing concerns and maintains the character of the neighbourhood.

Given the above, staff are of the opinion 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?

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. 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

Enclosed you will find pictures at both the front and rear of the property. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling and garden suite will be addressed by our Development Construction Section through the future Building Permit.

We note that there is an existing City owned 0.3m reserve across the rear frontage of the property along Godfrey's Lane. The applicant is advised that there will be no access permitted from Godfrey's Lane for any type of purpose (construction or residential related).

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: Carrie Chan Patch, 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.

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/>.

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

Development Engineering: Sabrina Martins (sabrina.martins@peelregion.ca)(905) 791- 7800 x3094

Comments:

- 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. Regional Site Servicing Connection approvals may be required prior to the local municipality issuing full building permit. 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 servicingconnections@peelregion.ca.
- 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 at (905) 791-7800 x7973 or by email at servicingconnections@peelregion.ca.

Conditions:

- A site servicing plan is required to ensure that arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.

Comments Prepared by: Petrele Francois, Junior Planner