

# City of Mississauga Department Comments

Date Finalized: 2021-09-08	File(s): A370.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-16 12:00:00 AM

## Consolidated Recommendation

The City recommends refusal of Variance #9 and approval of the remaining variances.

## Application Details

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

1. A lot coverage of 35.91% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A front yard measured to the dwelling (existing) of 4.88m (approx. 16.01ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the dwelling of 6.00m (approx. 19.68ft) in this instance;
3. A front yard measured to the eaves (existing) of 3.95m (approx. 12.96ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 5.55m (approx. 18.04ft) in this instance;
4. A front yard measured to a window well of 4.25m (approx. 13.94ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a window well of 5.39m (approx. 17.68ft) in this instance;
5. An exterior side yard measured to a porch of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to a porch of 4.40m (approx. 14.44ft) in this instance;
6. A garage projection of 1.63m (approx. 5.35ft) whereas By-law 0225-2007, as amended, does not permit a garage projection in this instance;
7. A dwelling unit depth of 21.87m (approx. 71.75ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
8. A driveway width of 8.46m (approx. 27.76ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance; and
9. Stairs, stairwells, or retaining walls to facilitate a below grade entrance in the front yard/exterior side yard whereas By-law 0225-2007, as amended, does not permit stairs, stairwells, or retaining walls to facilitate a below grade entrance in the front yard/exterior side yard in this instance.

## Amendments

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## Recommended Conditions and Terms

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## Background

**Property Address: 811 Sunningdale Bend**

### Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning: R3-2 - Residential**

**Other Applications:** Site Plan Application SPM 21-54-W2

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lakeshore Road West and Clarkson Road South. The immediate area consists of a mix of one and two storey dwellings with mature vegetation in the front yards. The subject property contains an existing one storey dwelling with mature vegetation in the front yard.

The applicant is proposing construction of an addition requiring variances related to lot coverage; front and exterior side yards; a garage projection; a dwelling unit depth; a driveway width and stairs, stairwells, or retaining walls to facilitate a below grade entrance in the front yard/exterior side yard.



## 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 Clarkson – Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings. Section 9 of the MOP promotes development 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 policy seeks to ensure that appropriate development of lots to reduce conflicts in design and maintain the streetscape and character of the area. Staff has concerns with the proposed variance 9 to permit stairs, stairwells, or retaining walls to facilitate a below grade entrance in the front yard/exterior side yard. The intent of the by-law in prohibiting stairs, stairwells, or retaining walls to facilitate a below grade entrance is to prevent negative visual impact to the overall streetscape.

The proposed below grade entrance, retaining wall and stairwell are not screened behind a fence or landscaping. Furthermore, a detached dwelling, even with a secondary entrance, should continue to be presented as a detached dwelling from the streetscape. By adding a secondary unit entrance to the front or exterior side of a dwelling that is clearly visible from the street can impact that perception. Staff was unable to visually locate any detached dwellings in the immediate area that would require this variance, and therefore believes the construction of the below grade entrance, retaining wall and stairwell would be out of character with the immediate area as these elements are not properly screened. Planning staff has no concerns

with the remaining variances. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the remaining variances raise no concerns of a planning nature. As such, staff recommends refusal of Variance #9 and approval of the remaining variances.

Comments Prepared by: Connor DiPietro, 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 are being addressed through the Site Plan Application process, File SPM-21/054.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a SPM application under file SPM-21-54. Based on latest review of the information currently available in this permit application on June 16<sup>th</sup>, we advise that the variances should be amended as follows:

1. A lot coverage of 37.10% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;

7. A dwelling unit depth of 22.38m (approx. 73.42ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;

In addition, two more variance comments should be added as follow;

- 10 An exterior side yard measured to the eaves of 5.46m (approx. 17.91ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 5.55m (approx. 18.20ft) in this instance;

11. A rear side yard measured to the eaves of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 2.55m (approx. 8.36ft) in this instance;

Note; More information is required to determine whether additional variances maybe required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo – Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

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Comments Prepared by: [Click here to insert name, title...](#)

### **Appendix 4 – Heritage**

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