

City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): A411.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance application to permit the construction of a new dwelling proposing:

1. A building height of 8.56m (approx. 28.08ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.5m (approx. 24.61ft) in this instance; and,
2. A lot coverage of 38.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance.

Background

Property Address: 2206 Utley Rd

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: OS1

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Truscott Drive and Southdown Road. The neighbourhood is entirely residential consisting of older one and two storey-detached dwellings on lots with mature vegetation in the front yards. The subject property and abutting properties to the east and west are vacant with limited landscaping. Abutting the subject property to the south is a municipal park, known as Willow Glen Park.

The application proposes construction of a new two storey dwelling requiring variances for height and lot coverage.



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 are as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages.

With respect to Variance #1, the R3 zone permits detached dwellings with heights up to 10.7m (35ft). The applicant is proposing a dwelling height of 8.56m (28.08ft). Therefore a height variance may not be required. With respect to Variance #2, based on the submitted drawings, staff are unable to determine if the rear patio should be included in the calculation of lot

coverage. If the rear patio is excluded from lot coverage, a variance for lot coverage is not required.

Planning staff have discussed the application with the applicant's Agent and Zoning staff and are of the opinion that the requested variances may not be required.

As such, staff recommends that the application be deferred to allow the applicant an opportunity to submit a Building Permit application to allow Zoning to review the requested variances for accuracy and to determine if additional variances are required.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that Transportation and Works Department has reviewed the now approved Site Plan application SPI-21/065 for the new dwelling. The proposed variances do not seem to affect any drainage concerns.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit application is required. In the absence of a Building Permit application 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: Andrea Patsalides, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. City owned lands, Willow Glen (P-531) abuts the rear of the applicant's property.
2. Hoarding and park protection may be secured through the associated site plan control application forthcoming.
3. Construction access from the adjacent City owned lands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
5. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

-
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planning