

City of Mississauga Department Comments

Date Finalized: 2022-09-28	File(s): A420.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-10-06 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 dwelling proposing:

1. A lot coverage of 30.20% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A building height of 9.22 m (approx. 30.25ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
3. A roof overhang setback of 1.58m (approx. 5.18ft) whereas By-law 0225-2007, as amended, requires a minimum roof overhang setback of 1.96m (approx. 6.43ft) in this instance;
4. A second floor balcony setback of 1.98m (approx. 6.50ft) whereas By-law 0225-2007, as amended, requires a minimum second floor balcony setback of 2.41m (approx. 7.91ft) in this instance;
5. A garage projection of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
6. A combined side yard width of 3.96m (approx. 12.99ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 5.32m (approx. 17.45ft) in this instance;
7. Side yard setback of 1.98m (approx. 6.50ft) whereas By-law 0225-2007, as amended, requires side yard setbacks of 2.41m (approx. 7.91ft) in this instance; and,
8. An eaves height of 7.40m (approx. 24.27ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 1509 Petrie Way

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

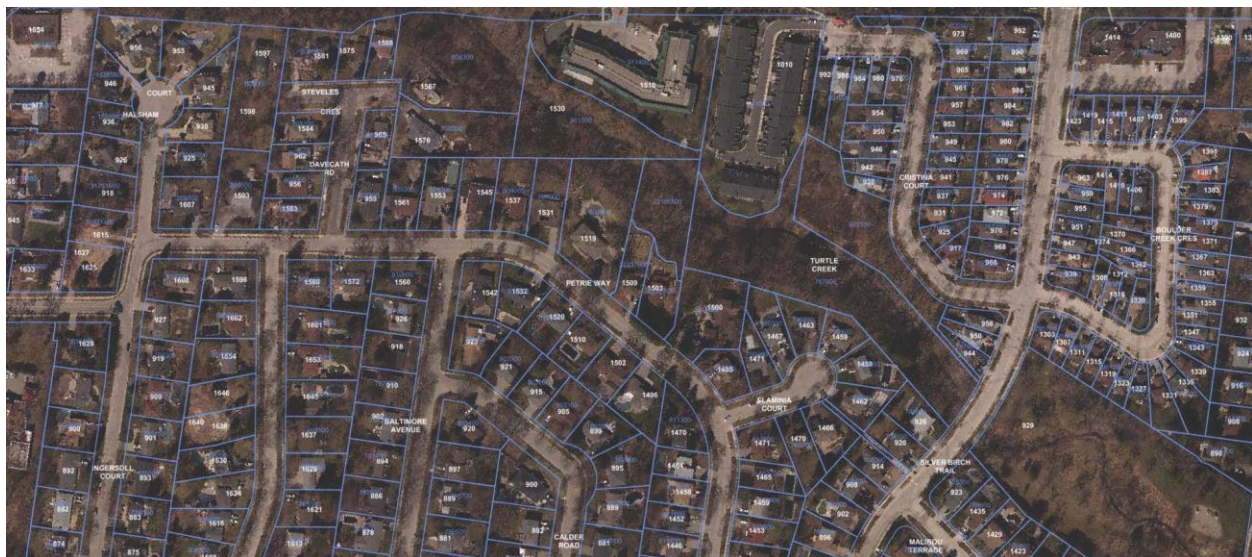
Zoning: R2-4

Other Applications: Site Plan Infill application under file SPI 21-97 W2.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Clarkson Road North and Lakeshore Road West intersection. Directly abutting the subject property to the north is Turtle Creek. The neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a one-storey dwelling and detached double car garage with mature vegetation in the side yards.

The applicant is proposing a new two-storey dwelling requiring variances for lot coverage, height, setbacks, garage projection and combined width of side yards.



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 Greenlands & Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

On April 28th, 2022, the Committee of Adjustment refused a proposal to construct a new dwelling on the subject property (Application A23.22).

The applicant has submitted a revised proposal under a new application (Application A420.22), to address concerns raised by residents and the Committee of Adjustment.

The applicant has removed a variance for a gross floor area of 428.60m² (4613.41ft²) vs. 376.92m² (4057.13ft²). The new gross floor area of 369.03m² (3972.21ft²) is less than the maximum permitted. The lot coverage has also been reduced from 31.7% to 30.2%.

The applicant has also added a height variance of 9.22m (30.25ft), where a maximum of 9m (29.53ft) is permitted. Staff note this is a minor deviation from the maximum permitted and its impact will be negligible.

Furthermore, the applicant has increased the roof overhang from 1.42m (4.66ft) to 1.58m (5.18ft), second floor balcony and side yard setbacks from 1.83m (6ft) to 1.98m (6.5ft), while increasing the combined width of side yards from 3.66m (12.01ft) to 3.96m (12.99ft).

The variances for garage projection and eave height remain the same. However, staff had no concerns with the applicant's original proposal (Application A23.22).

Staff is of the opinion that the applicant has appropriately revised their proposal to address concerns raised by residents and the Committee of Adjustment. It is staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties. 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 application raises no concerns of a planning nature.

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 drainage related concerns/requirements for the proposed dwelling are being addressed through the Site Plan approval process, SP-21/097.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-97 W2. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 09/17/2021 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: Jeanine Benitez, Zoning Examiner

City of Mississauga Department Comments

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:

The lands to the rear of the property are City owned, identified as Glenleven Park (P-045) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.
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1. Construction access from the adjacent City owned lands is not permitted.
 2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
 3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

In addition, Community Services notes the following:

1. Community Services requirements are being addressed through the active Site Plan application SPI 21/97.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant