

# City of Mississauga Department Comments

Date Finalized: 2022-12-07	File(s): A519.22 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-12-15 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 meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve minor variances to allow the construction of new dwellings proposing:

1. A building height of 10.64m (approx. 34.9ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 10.25m (approx. 33.62ft) in this instance;
2. Window wells and porch stairs outside the buildable area whereas By-law 0225-2007, as amended, does not permit window wells and porch stairs outside the buildable areas as per Schedule B, RM4-77 in this instance;
3. A flat roof for the townhouses whereas By-law 0225-2007, as amended, does not permit a flat roof in this instance;
4. An internal walkway width of 0.90m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum internal walkway width of 1.80m (approx. 5.90ft) in this instance; and,
5. Decks outside the buildable area whereas By-law 0225-2007, as amended, does not permit decks outside the buildable area as per Schedule B, RM4-77 in this instance.

## Condition

Should the Committee see merit in the application, Planning staff recommend that approval of the application be tied to the drawings submitted.

## Background

**Property Address:** 1200 Lorne Park Road

**Mississauga Official Plan**

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I & II

**Zoning By-law 0225-2007**

**Zoning: RM4-77**

**Other Applications:** PAM 20-231, SP 20-128, PAM 21-189

**Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, on the southeast quadrant of the Lorne Park Road and Garden Road intersection. The immediate neighbourhood consists of a mix of residential and general retail commercial uses. Residential uses in the immediate are primarily in the form of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property is currently vacant.

On May 29<sup>th</sup>, 2020, the Local Planning Appeal Tribunal (now Ontario Land Tribunal) approved Official Plan Amendment No. 100 and Zoning By-law Amendment Exception RM4-77, implementing new site-specific zoning provisions and land use designations for the subject property. The purpose of these amendments was to permit four-semi detached and six townhouse dwellings on the subject property. Zoning By-law Exception RM4-77 allows for semi-detached as an additional permitted use and contains regulations regarding number of units, height, lot area, landscaped area, roof types, setbacks, walkway, aisle and driveway widths. The exception also contains Schedule B that identifies the development area and buildable areas.

The applicant is proposing the construction of new townhouse dwellings requiring variances related to building height, window wells, porch stairs, flat roof, a walkway and decks.



## 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 split designated Residential Low Density I & II. The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The Residential Low Density II designation permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages.

Staff has discussed the proposal with the Planner reviewing the corresponding site plan application. Planning staff note that the variances requested are technical in nature and consistent with the Local Planning Appeal Tribunal's decision.

Variance #1 relates to building height. The applicant is requesting a variance for building height increase of 0.39m (1.29ft), representing a minor deviation from the maximum building height permitted. Furthermore, the variance is only required for small portions of the roof at 6 points to accommodate mechanical shafts associated with elevators contained within the dwellings. From grade level, the mechanical shafts appear as parapets and assist in breaking up the overall roof and massing of the townhouses. Staff note that the overall balance of the roof does not require a height variance.

Variance #2 and 5 relates to window wells, porch stairs and decks located outside of the buildable area found on Schedule B, RM4-77. These variances were identified through Zoning staff's review of the site plan application. Planning staff has no concerns with these variances, as they were always contemplated, however, were overlooked during the approval of Schedule

B, RM4-77. Furthermore, these structures do not pose any concerns of a planning nature, as they have little to no massing.

Variance #3 relates to a flat roof. Staff notes that the RM4-77 zone prohibits flat roofs. The proposed development is in keeping with this intent. The proposed flat roof areas are specific to the front porches and are ultimately architectural design features. According to the Planner reviewing the associated site plan application, they are in line with the proposed streetscape and vision contemplated during the rezoning process. The intent behind prohibiting flat roofs is to limit the massing impact of a building, as sloped roofs contain less massing. In this case, the flat roofs are not part of the overall roof system. The remaining roof portions meet the definition of a sloped roof in the zoning by-law.

Variance #4 pertains to an internal walkway width. Staff note that the proposed reduction appears excessive; however, it is specific to only one section on the site. Staff are of the opinion that the reduction will not hinder safe passage or impede access around the site and/or to Lorne Park Road.

It is Staff's opinion that the proposal 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 concerns/requirements for the proposed dwellings is being addressed through the current Site Plan application SP-20/128.







Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Site Plan application under file SP 20-128. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/10/2022 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1200 Lorne Park Rd to facilitate the construction of new townhouse dwellings. Metrolinx understands that the specific variances are related to an increase in height of the proposed dwellings, to allow outdoor decks, a flat roof on the porch area, and an internal walkway. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As the requested variances have no implication on Metrolinx property (i.e. Oakville Subdivision) Metrolinx has no objections to the specified variances should the committee grant approval.
- However, please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application. If not already fulfilled, Metrolinx requires the following:
  - As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Leah.ChishimbaSimwanza@Metrolinx.com](mailto:Leah.ChishimbaSimwanza@Metrolinx.com) with questions and to initiate the registration process.
  - The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
    - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

**Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner