

# City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A49.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 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 to allow the construction of an addition proposing:

1. A setback from the G1 Zone of 0.92m (approx. 3.02ft) for the swimming pool whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
2. A balcony area of 13.98sq m (approx. 150.48sq ft) located above a garage whereas By-law 0225-2007, as amended, permits a maximum balcony area of 10.00sq m (approx. 107.64sq ft) in this instance;
3. A gross floor area of 560.42sq m (approx. 6032.31ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 498.38sq m (approx. 5364.52sq ft) in this instance;
4. A combined side yard setback of 16.79% (4.76m (approx. 15.62ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 27% (7.65m (approx. 25.10ft)) in this instance;
5. A setback to lot lines of 0.92m (approx. 3.02ft) for the pool whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50m (approx. 4.92ft) in this instance;
6. An interior side yard setback of 0.61m (approx. 2.00ft) for the detached garage whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.93ft) in this instance;
7. A parking area setback to the G1 Zone of 1.26m (approx. 4.13ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.60ft) in this instance;
8. An eave height of 7.07m (approx. 23.20ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
9. A pool equipment setback to the G1 Zone of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.60ft) in this instance and,

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10. A height of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.17ft) in this instance.

### **Recommended Conditions and Terms**

Should the application be approved, staff requests that the following conditions be imposed:

1. All existing encroachments are to be removed from adjacent City owned lands.
2. Prior to the issuance of a pool permit, a 1.5 metre (4.92ft) high, black vinyl chain-link fence shall be built to current municipal standards along the property line at the rear of the property. The fencing is to be located 0.15 metres (0.49ft) inside City owned lands. No gates are permitted.
3. No excess water from swimming pool shall be drained into the Significant Natural Area and adjacent creek at the rear of the property.

## **Background**

**Property Address:** 1333 Clarkson Rd N

### **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 file SP 22-124

### **Site and Area Context**

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, south of the Clarkson Road North and Truscott Drive intersection. The immediate area consists of one and two-storey single detached dwellings with significant mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation throughout.

The application proposes a new addition to the existing two-storey detached dwelling requiring variances related to a swimming pool, pool equipment, parking area, side yard widths, dwelling heights, gross floor area and balcony area.



## 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 I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

The Park Planning Section of the Community Services Department and Credit Valley Conservation (CVC) staff have reviewed the above noted minor variance application and recommend deferral of the requested variances.

Parks Planning staff request that the applicant relocate the proposed swimming pool and pool equipment to establish a larger setback to City lands adjacent to the subject property to ensure the protection and preservation of the Significant Natural Area. CVC staff request that the applicant continue consultation with CVC staff and submit a CVC permit to assess whether the proposed encroachments in the G1 Zone can be supported.

As such, Planning staff echoes all concerns identified above and recommends that the application be deferred. Staff are of the opinion that the minor variance application is premature and that the application should be deferred to allow the applicant an opportunity to address these concerns. Staff also recommend that the applicant consider increasing the proposed combined side yard widths, and decreasing the gross floor area of the detached dwelling. Planning staff are also unable to locate the location of variance #7 on the applicant's drawings.

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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 addition and pool will be addressed by our Development Construction Section through the future Building Permit process.



















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 while a zoning review was completed under Site Plan file SP 22-124, the information provided was insufficient for staff to confirm the requested variances, nor confirm if further variances are required.

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: A. McCormack, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows.

The lands to the rear of the property are owned by the City of Mississauga, identified as Not Yet Named (P-496)\* (North of Clarkson Rd N and Birchwood Dr), classified as a 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 measure(s):

- 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...;

The proposed minor variance application to install a swimming pool with insufficient setbacks to a G1 Zone, which may result in the harmfulness and/or removal of mature high quality trees. The Official Plan Policy 11.2.3.1 states that lands designated Greenbelt are generally associated with natural hazards and/or natural areas where development is restricted to protect people and property from damage and to provide for the protection, enhancement and restoration of the Natural Heritage System.

The Park Planning Section recommends that the application be deferred to allow for a new proposed location of the swimming pool and pool equipment to establish a larger setback to City lands adjacent to the subject property. This is to ensure the protection and preservation of the Significant Natural Area, this including (but not limited to) the mature high quality trees found within the site.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands 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.
4. All existing encroachments are to be removed from adjacent City owned lands.
5. Prior to the issuance of a pool permit, a 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards along the property line at the rear of the property. The fencing is to be located 0.15 metres inside City owned lands. No gates are permitted.



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6. The Community Services Department is in support of the 7.5 metre setback from a G1 Zone to in compliance with the City's By-law 0225-2007. A 5 metre buffer minimum from the Significant Natural Area is to be maintained.

7. No excess water from swimming pool shall be drained into the Significant Natural Area and adjacent creek at the rear of the property.

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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4- Region of Peel**

##### **Minor Variance Application: A-49/23 - 1333 Clarkson Road North**

Development Planning: Patrycia Menko (905) 791-7800 x3114

##### **Comment:**

- Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation Authority (CVC). Regional Planning staff therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner

#### **Appendix 5 - Metrolinx**

**Re: CVC File No. A 23/049**

**Municipality File No. A 049/23**

**Qasim Saddique**

**1333 Clarkson Rd N**

**City of Mississauga**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

**SITE CHARACTERISTICS:**

Based on our mapping, the subject property is located within the slope hazard associated with Birchwood Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

**ONTARIO REGULATION 160/06:**

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

**Proposal:**

The property owner of 1333 Clarkson Rd N, zoned R3-2 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A setback from the G1 Zone of 0.92m (approx. 3.02ft) for the swimming pool whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
2. A balcony area of 13.98sq m (approx. 150.48sq ft) located above a garage whereas By-law 0225-2007, as amended, permits a maximum balcony area of 10.00sq m (approx. 107.64sq ft) in this instance;
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8. An eave height of 7.07m (approx. 23.20ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
9. A pool equipment setback to the G1 Zone of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.60ft) in this instance and,
10. A height of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.17ft) in this instance.

**Comments:**

CVC staff have reviewed the provided information and it is unclear whether the proposed encroachments in the G1 Zone can be supported as the existing zoning serves to protect from the hazards associated with Birchwood Creek. On this basis, CVC staff recommend deferral of the minor variance application by the Committee at this time.

A CVC permit is required for this proposal as the development proposed is located within a Regulated Area. It is recommended that the applicant continue consultation with CVC staff through the CVC permitting pre-consultation process during which the proposal is assessed relative to the hazards associated with Birchwood Creek.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905- 670-1615 (ext. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner