

# City of Mississauga Department Comments

Date Finalized: 2023-04-19	File(s): A60.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-04-27 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. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

## Application Details

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

1. A total gross floor area (infill residential) of 721sq.m (approx. 7760.78sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 601.23sq.m (approx. 6,471.59sq.ft) in this instance;
2. A garage area of 115.6sq.m (approx. 1244.30sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.0sq.m (approx. 807.30sq.ft) in this instance;
3. A height of eaves of 8.10m (approx. 26.57ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
4. A total of 2 garages whereas By-law 0225-2007, as amended, permits 1 garage in this instance;
5. A combined width of side yards of 5.87m (approx. 19.25ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.99m (approx. 26.21ft) in this instance;
6. A walkway width of 1.75m (approx. 5.74ft) whereas By-law 0225-2007, as amended, permits a walkway width of 1.50m (approx. 4.92ft) in this instance;
7. A dwelling depth of 30.9m (approx. 101.37ft) below grade whereas By-law 0225-2007, as amended, permits a dwelling depth of 20m (approx. 65.61ft) in this instance; and,
8. A driveway width of 6.53m (approx. 21.42ft) beyond 6m from the garage whereas By-law 0225-2007, as amended, permits a driveway width of 6m (approx. 19.68ft) in this instance.

## Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law, staff note that variance #3 should be amended as follows:

3. A height of eaves of 6.7m (21.98ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (21.00ft) in this instance

## Background

**Property Address:** 1588 Watersedge Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R1-2 - Residential

**Other Applications:** Site Plan Application under file SPI 22-29

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood, south east of the Southdown Rd. and Lakeshore Rd. W. intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for gross floor area, garage area, eave height, number of garages, combined width of side yards, walkway width, dwelling depth and driveway width.



## 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 site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings.

Variances #1, 2, and 4 are for increased gross floor area, garage area and number of garages. The values of these variances appear numerically excessive; however, staff note that variances #2, 4 and 7 are technical in nature. The proposed second garage is located directly below the above grade garage and shares approximately the same floor area and footprint. The second garage is essentially a below grade extension of the at grade garage. According to the applicant, a lift will be used to access the below grade garage from the at-grade garage. The second garage will not pose any massing concerns or take away from the residential nature of the dwelling, as it is fully located below grade. While the second garage is technically a below grade extension of the at grade garage, the floor area of both the at grade and below grade garages are included in the total gross floor area. If the area of the below grade garage was not included in these calculations, the variance for the garage floor area would not be required and the variance for the gross floor area would represent a minor deviation from the existing regulations. Furthermore the proposed gross floor area would be consistent with newer and older dwellings found in the immediate area.

Variance #3 pertains to eave height. The applicant's revised eave height is not of concern to staff, as it is a minor deviation from the zoning by-law's requirement. Furthermore, the first and second storey of the dwelling are broken up by clearly defined architectural features.

Variance #5 is for combined width of side yards. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood.

Variances #6 and #8 are for walkway attachment and driveway width. The applicant is proposing to remove significant portions of hardscaping from the front yard, including a “flagstone walkway” and “interlocking brick” all of which form part of the existing driveway. The redesigned driveway requires two variances. Planning staff have no concerns with the proposed walkway, as it represents a minor deviation from the maximum width permitted, and as it is not wide enough to accommodate a parking space. With respect to the increase driveway width (variance #8), Planning staff are of the opinion that the variance represents a minor deviation from the maximum width permitted and maintains the intent of the by-law by only accommodating two parking spaces side by side.

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 concerns/requirements for the proposed dwelling 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

The Building Department is processed a Site Plan Application under file SPI 22-29. Based on review of the information currently available in this site plan 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 site plan application submitted on 02/25/2022 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

### **Appendix 3 – CVC Comments**

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 regulated due to Lake Ontario Shoreline flooding and erosion hazards. 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 1588 Watersedge Road, zoned R1-2 - 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 a new dwelling proposing:

1. A total gross floor area (infill residential) of 721sq.m (approx. 7760.78sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 601.23sq.m (approx. 6,471.59sq.ft) in this instance;
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7. A dwelling depth of 30.9m (approx. 101.37ft) below grade whereas By-law 0225-2007, as amended, permits a dwelling depth of 20m (approx. 65.61ft) in this instance; and,
8. A driveway width of 6.53m (approx. 21.42ft) beyond 6m from the garage whereas By-law 0225-2007, as amended, permits a driveway width of 6m (approx. 19.68ft) in this instance.

**Comments:**

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the requested minor variance application by the Committee at this time. CVC staff have reviewed the proposed development through pre-consultation (PD 21/193) and Site Plan Approval application (SP 22/029).

A CVC permit is required for the development as proposed. Upon approval of the minor variance, please contact CVC directly for the next steps related to the CVC permit application process.

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

**Appendix 4- Region of Peel Comments****Minor Variance Application: A-60/22 – 1588 Wateredge Road**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

**Comments:**

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing

service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

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