

# City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A775.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 3:30:00 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 gross floor area of 409.12sq m (approx. 4403.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 394.80sq m (approx. 4249.59sq ft) in this instance;
2. An interior side yard setback to the eaves of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves of 1.96m (approx. 6.43ft) in this instance;
3. An eaves height of 6.89m (approx. 23.20ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A lot coverage of 32.32% (330.98sq m (approx. 3562.63sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (307.21sq m (approx. 3306.67sq ft)) in this instance; and,
5. A combined side yard width of 4.74m (approx. 15.55ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 5.32m (approx. 57.26ft) in this instance.

## Background

**Property Address:** 1033 Lorne Park Rd

**Mississauga Official Plan**

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

### **Zoning By-law 0225-2007**

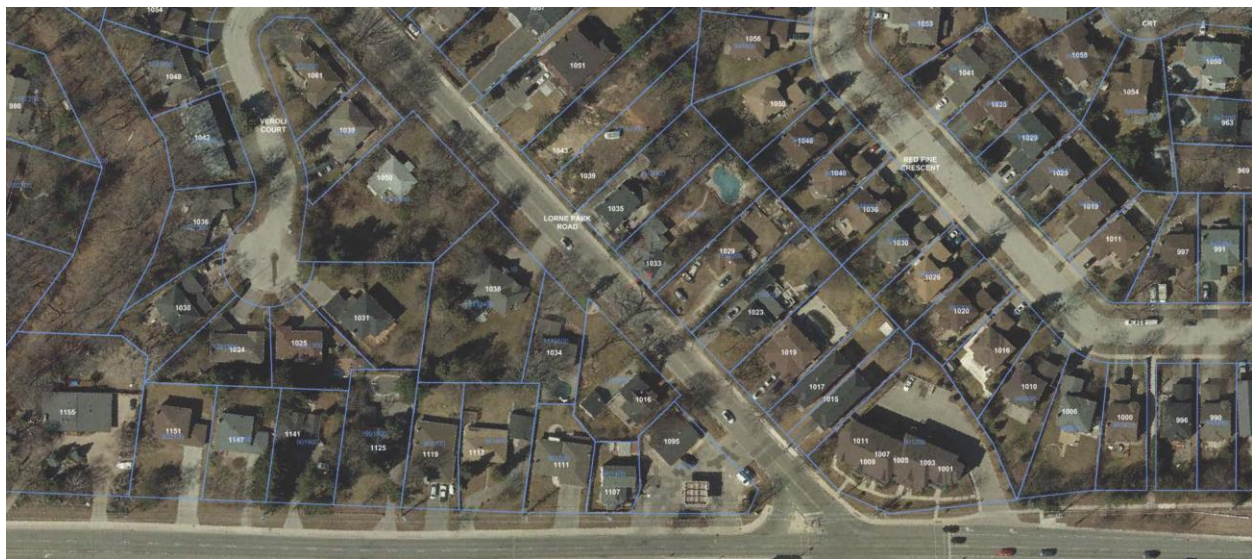
**Zoning: R2-1 - Residential**

**Other Applications:** SPI 22-137, PAM 22-272

### **Site and Area Context**

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, north of the Lorne Park Road and Lakeshore Road West intersection. The immediate neighbourhood is primarily residential, consisting of multi-unit residential buildings and one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with mature vegetation throughout.

The applicant is proposing a new dwelling requiring variances related to gross floor area, side yard setbacks, eave height, lot coverage and combined side yard 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 subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street towns and other forms of low-rise dwellings with individual frontages.

The Committee deferred the above noted application on March 9<sup>th</sup>, 2023, to allow the applicant an opportunity to reduce the proposed dwelling's height and gross floor area.

The applicant revised the proposal and reduced the proposed gross floor area from 441.26m<sup>2</sup> (4749.68ft<sup>2</sup>) to 409.12m<sup>2</sup> (4403.73 ft<sup>2</sup>). The applicant also reduced the dwelling's height to comply with the maximum dwelling height, and has reduced the dwelling's eave height from 7.07m (23.2ft) to 6.89m (22.60ft).

Furthermore, the revised setback to the eaves has increased from 1.5m (4.92ft) to 1.6m (5.25ft) and the combined side yard setbacks from 4.69m (50.48ft) to 4.74m (15.55ft)

Lastly, the proposed lot coverage was reduced from 32.96% to 32.32%.

With respect to variance #1, staff note that the dwelling's footprint (including garage) covers approximately 24% of the subject property. The remaining coverage is attributable to front and rear covered porches, second floor roof overhang and a covered cabana, which do not pose any significant massing concerns. The proposed dwelling also contains staggered walls and clearly defined architectural features that would break up the first and second storeys. The combination of these factors minimises the massing impact of the dwelling.

Variance #1 relates to gross floor area. Staff are of the opinion that the proposed gross floor area would be consistent with newer and older dwellings found in the immediate area.

Variance #2 and 5 relate to setbacks and combined width of side yards. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings in the area. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood.

Variance #3 relates to eave height. Staff are of the opinion that the eave height represents a minor deviation from the regulation. Furthermore, no overall height variance is required.

As such, the applicant has satisfied the concerns related to gross floor area and dwelling height. Staff is of the opinion that the applicant's revised proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. Furthermore, 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 currently processing a Site Plan Application under file SPI 22-137 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 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: Maria Fernandez, Zoning Examiner

### Appendix 3 – Metrolinx

#### 1033 Lorne Park Rd

Metrolinx is in receipt of the minor variance application for 1033 Lorne Park Rd to facilitate the construction of a new dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- 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

[Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- 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.

Comments Prepared by: Farah Faroque, Project Analyst

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

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner