

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A557.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances 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 lot frontage of 18.27m (approx. 59.94ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A right side yard setback to the first floor of 1.70m (approx. 5.57ft) whereas By-law 0225-2007, as amended, requires a right side yard setback to the first floor of 1.80m (approx. 5.90ft) in this instance;
3. A right side yard setback to the second floor of 1.70m (approx. 5.57ft) whereas By-law 0225-2007, as amended, requires a right side yard setback to the second floor of 2.41m (approx. 7.90ft) in this instance;
4. A left side yard setback to the first floor of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a left side yard setback to the first floor of 1.80m (approx. 5.90ft) in this instance;
5. A left side yard setback to the second floor of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a left side yard setback to the second floor of 2.41m (approx. 7.90ft) in this instance;
6. A right side yard setback of 1.24m (approx. 4.06ft) to an architectural feature on the first and second floor whereas By-law 0225-2007, as amended, requires a right side yard setback of 1.35m and 1.96m (approx. 4.43ft and approx. 6.43ft) to an architectural feature on the first and second floor in this instance;
7. A left side yard setback of 1.04m (approx. 3.41ft) to an architectural feature on the first and second floor whereas By-law 0225-2007, as amended, requires a left side yard setback of 1.35m and 1.96m (approx. 4.43ft and approx. 6.43ft) to an architectural feature on the first and second floor in this instance; and,
8. A combined side yard width of 3.20m (approx. 10.49ft) whereas By-law 0225-2007, as

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amended, requires a minimum combined side yard width of 4.93m (approx. 16.17ft) in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the Zoning By-law, staff note variance #1 would not be required as the lot already exists and the frontage was previously approved under Committee of Adjustment application A142/21 on April 29, 2021.

Background

Property Address: 1385 Clarkson Rd N

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R3-2 - Residential

Other Applications: PREAPP 22-1218

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 is currently a vacant lot with mature vegetation throughout.

The application proposes a new two-storey detached dwelling requiring variances related to lot frontage, side yard setbacks 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 of the four tests to this minor variance request are as follows:

The subject property is designated Residential Low Density I and Greenlands on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings. Staff note that the Greenlands designation applies to a small portion of land along the northeast edge of the property where no development is being proposed.

Variances #1 to #7 pertain to reduced side yard setbacks and variance #8 pertains to a reduction in the combined side yard width. The intent of the side yard regulations are to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered. Staff are of the opinion that the reduced side yard maintains an appropriate buffer between dwellings and that appropriate drainage can be provided. Furthermore the proposed setback is sufficient to maintain access to the rear yard.

Furthermore, Planning staff note that Committee of Adjustment previously deferred the above noted application on November 10th, 2022, to allow the applicant to revise the variances and redesign the proposal. The applicant has since reduced the requested side yard setback variances. The applicant has also removed a variance for an increased flat height roof of the dwelling. Staff is of the opinion that the applicant has appropriately revised their proposal to address concerns. It is staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties.

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 Pre-Application under file 22-1218. Based on review of the information currently available in this permit application, we advise that a Building Permit and 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – CVC

CVC staff have reviewed the proposed minor variances for 1385 Clarkson Rd N and have no concern with the proposed variances. We previously reviewed similar variances in 2022 as part of the first submission. We continue to have no objection to the current minor variances. The applicant is advised to contact CVC to work through CVC's permitting process.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 4 – Region of Peel

Deferred Minor Variance: DEF-A-22-557M – 1385 Clarkson Road North

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject property is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC or the review of

development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

- The subject land is also located within a Core Area, Valley Corridor, of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan (ROP). Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of ROP policy 2.14.15, which is subject to ROP policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or Town will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner