

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A138.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 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, as amended, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow the addition of a second storey proposing:

1. An eastern side yard setback at the rear to the second storey of 1.37m (approx. 4.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
2. An eastern side yard setback at the rear to the second storey eaves of 0.92m (approx. 3.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
3. An eastern second level landing setback of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
4. An eastern second storey setback at the front of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
5. An eastern eaves setback at the front of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
6. An eastern stair setback at the front of 0.70m (approx. 2.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance; and,
7. A setback for hardscaping along the rear property line of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

Amendments

The Building Department is processing Building Permit application SEC UNIT 23-7479. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. An interior side yard setback to the second storey of 1.37m (approx. 4.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
2. An interior side yard setback to the second storey eaves of 0.92m (approx. 3.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
3. An interior side yard setback to the second storey deck of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
4. A setback for the hard landscaping to the interior side yard of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance and,
5. A setback for the hard landscaping to the rear yard of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance

Variances #5 and #6 are not required.

Background

Property Address: 1311 Lewisham Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

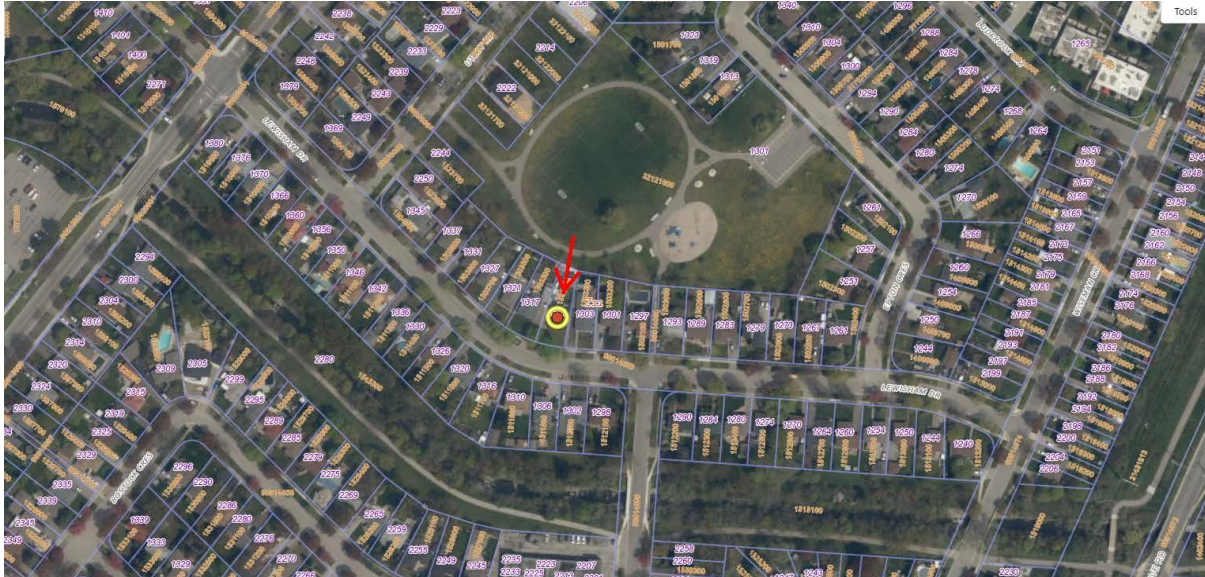
Zoning: R3- Residential

Other Applications: Building Permit application SEC UNIT 23-7479

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south-west of Truscott Drive and Southdown Road intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in both of the front and rear yards. The property backs onto a municipal park.

The applicant is proposing to construct a second storey addition for a second unit requesting variances related to setbacks.



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 on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages.

Variances #1-5, as amended, all pertain to reductions in setbacks. Variances #1-3 request a reduction in the side yard setbacks measured to the second storey, eaves and deck. Variances #4 and #5 relate to setbacks for existing hardscaping in both the side and rear yards. The general intent of side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. The intent of the hardscaping setback regulations is to ensure that appropriate drainage patterns can be maintained. Staff note that Transportation and Works staff have raised no drainage concerns surrounding Variances #4 and #5, as amended.

Regarding variances #1-3, as amended, staff note the reduction in the side yard setbacks is measured to the second storey, eaves and deck. The first storey meets the minimum side yard setback requirement, and variance #1-3 are required to align the second storey setbacks with the existing setbacks to the first storey. Further, staff note the lot is pie shaped. The setbacks

represent a minor deviation from the minimum requirements and are measured only to a pinch point, which increases as you move from the rear of the dwelling towards the front.

Staff have no concerns with the requested variances, as they are consistent with setbacks found within the immediate area. Staff are satisfied that the proposal maintains an appropriate buffer between adjoining properties. Through a detailed review of the application, staff are 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: Shivani Chopra, Planning Associate

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 second storey are being addressed by our Development Construction Section through the Building Permit process for the Secondary Unit, File SEC UNIT 23/7479.

Considering that the lot abuts a Municipal Park at the rear, we do not have an issue with the rear hard surface setbacks requested.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 23-7479. Based on review of the information available in this application, we advise that following amendments are required:

1. An interior side yard setback to the second storey of 1.37m (approx. 4.49ft) whereas By-

law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;

2. An interior side yard setback to the second storey eaves of 0.92m (approx. 3.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;

3. An interior side yard setback to the second storey deck of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;

4. A setback for the hard landscaping to the interior side yard of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance and,

5. A setback for the hard landscaping to the rear yard of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Willow Glen (P-531), and zoned OS1 – Open Space – Community Park.

Hardscaping along the rear of the property line appears to be encroaching onto City owned lands identified as Willow Glen (P-531). Should the application be approved, Community Services wishes to impose the following condition(s):

1. An Encroachment Agreement will be required between the City of Mississauga and the proponent to allow hardscaping through which all City requirements will be reviewed for approval.

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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

Minor Variance: A-24-138M / 1311 Lewisham Drive

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.
- 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.
- 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.

Comments Prepared by: Ayooluwa Ayoola, Planner