

# City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A482.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

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

1. A side yard setback to the first storey of the dwelling (south side) of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback to the second storey of the dwelling (south side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. A side yard setback to the eaves at the first storey of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the first storey of 0.75m (approx. 2.46ft) in this instance;
4. A side yard setback to the eaves at the second storey of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the second storey of 1.36m (approx. 4.46ft) in this instance;
5. A driveway width of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
6. A driveway width of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A driveway setback to the north side lot line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to the north side lot line of 0.60m (approx. 1.97ft) in this instance; and,
8. A new detached dwelling and detached garage at the rear of the new dwelling constructed in accordance with R-3 Zone standards, whereas By-law 0225-2007, as amended, D-1 Zone does not permit in this instance.

## Background

**Property Address:** 1990 Lushes Avenue

### Mississauga Official Plan

**Character Area:** Clarkson-Lorne Park Neighbourhood  
**Designation:** Residential Medium Density

### Zoning By-law 0225-2007

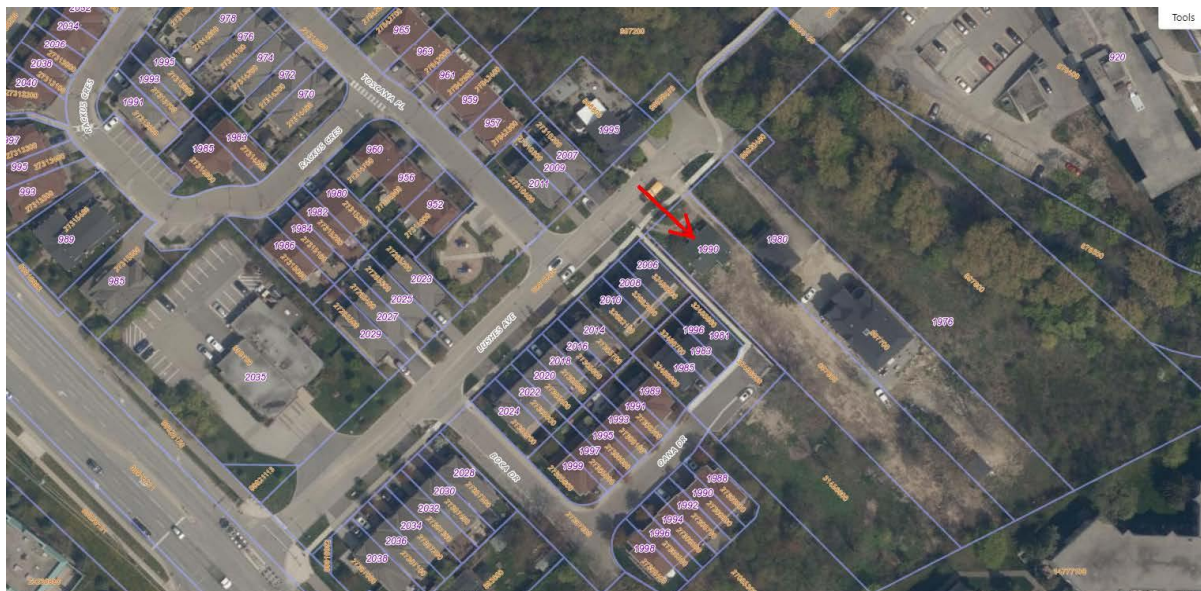
**Zoning:** D-1- Development

**Other Applications:** BP 9NEW-23/7168.

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Southdown Road and Lakeshore Road West intersection. The immediate area contains a mix of residential and employment uses. Residential uses consist primarily of two and three storey townhouse uses with vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing the construction of a new two-storey detached dwelling, one-storey detached garage and a new driveway. The proposal requires variances related to setbacks, driveway widths and to permit a new detached dwelling use.



## 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 Committee of Adjustment deferred the subject application on December 12, 2023. Staff recommended refusal of the application, citing concerns with variances #8, 9, 10, 11, 12, 14 and 15, required to permit the proposed development.

Following the Committee's deferral of the application, the applicant redesigned the proposal and is no longer seeking variances for a circular driveway, detached garage or accessory structure. While these changes address some of staff's concerns, staff echo their previous comments regarding variance #8 (previously 13) to permit a new detached dwelling in a D1 zone.

In summary, Variance #8 is inconsistent with the intent and purpose of both the official plan and zoning by-law. The subject property is zoned D1 and designated Residential Medium Density, which is intended for significant redevelopment to align with the Residential Medium Density designation, aiming for a built form with increased density congruent with the surrounding development.

As such, the City continues to recommend refusal of the application.

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, detached garage and driveway are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 23/7168.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Division is currently processing a Building Permit application under file BP 9NEW 23-7168. Based on review of the information currently available in this permit application staff provided comments for the December 14, 2023 hearing. The proposal appears to have been modified since then and staff cannot guarantee the accuracy of these variances as the drawings have been changed. Further, staff required additional information and this has not been provided. Specifically, Staff have not received information from the Conservation Authority confirming compliance with regulations 2.1.18.1 and 2.1.18.2. Variances may be required.

Staff have requested for more information from the applicant for established grade of the garage/accessory structure to determine the height of building and landscaped soft area calculations for the front yard. Staff cannot verify compliance for these regulations at this time.

Comments Prepared by: Tage Crooks, Zoning Examiner

### Appendix 3 – Parks, Forestry, and 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 Sheridan Creek Trail (P-171), 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 measures:

- 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...;

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.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner

#### **Appendix 5 – CVC**

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.

**CVC REGULATED AREA:**

Based on CVC mapping and information available, the subject property at 1990 Lushes Avenue is regulated by CVC due to the floodplain associated with Sheridan Creek. As such, the property is subject to CVC's Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. 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:**

It is our understanding that the applicant has applied for the following applications pertaining to the subject site:

1. A side yard setback to the first storey of the dwelling (south side) of 0.66m (approx. 17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback to the second storey of the dwelling (south side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
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8. A new detached dwelling and detached garage at the rear of the new dwelling constructed in accordance with R-3 Zone standards, whereas By-law 0225-2007, as amended, D-1 Zone does not permit in this instance.

**COMMENTS:**

Based on the review of the information, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

CVC Staff has previously reviewed the preliminary plans for the proposed dwelling and detached garage. There remains outstanding information with respect to the floodproofing design of the proposed structures that must be addressed through the CVC permitting process.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at [eric.james@cvc.ca](mailto:eric.james@cvc.ca) or 905-670-1615 (ext. 284) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Eric James, Junior Regulations Officer