

City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A125.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 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 and subject to conditions, meets the requirements of Section 45(1) of the Planning Act. The applicant may choose to defer the application to confirm the accuracy of the requested variances and to determine if additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing:

1. A setback from the outdoor swimming pool to the G1 Zone of 4.57m (approx. 14.99ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
2. A gross floor area of 515.23sq m (approx. 5545.89sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 498.38sq m (approx. 5364.52sq ft) in this instance;
3. A combined side yard setback for the house of 4.83m (approx. 15.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 7.65m (approx. 25.10ft) in this instance;
4. An eave height of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
5. A ridge height of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended, permits a maximum ridge height of 9.50m (approx. 31.17ft) in this instance; and,
6. A rear yard setback of the proposed garage to the G1 Zone of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Division is processing Building Permit application BP 23-7151. Based on the review more information is required. Variances 3-5 are correct, however more information is required to determine variance 1 and 6. Based on the information available in this application, Zoning staff advise that the following variances be added:

7. A rear yard setback to the proposed G1 Zone of 0.00m to a proposed shed, where a minimum setback to the G1 Zone of 5.0m is required.
8. A proposed setback of 2.24m to the proposed deck/stairs, where a minimum setback of 5.0m is required from a deck to the G1 zone.

Recommended Conditions and Terms

Should the application be approved, Community Services wishes to impose the following condition(s):

1. All existing encroachments are to be removed from adjacent City owned lands.
2. Prior to the issuance of a pool permit, a 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards along the property line at the rear of the property. The fencing is to be located 0.15 metres inside City owned lands. No gates are permitted.
3. The Tree Protection Zone (TPZ) identified to be relocated two (2) metres above the top of bank to ensure maximum protection of the valley feature.

Background

Property Address: 1333 Clarkson Road North

Mississauga Official Plan

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

Zoning By-law 0225-2007

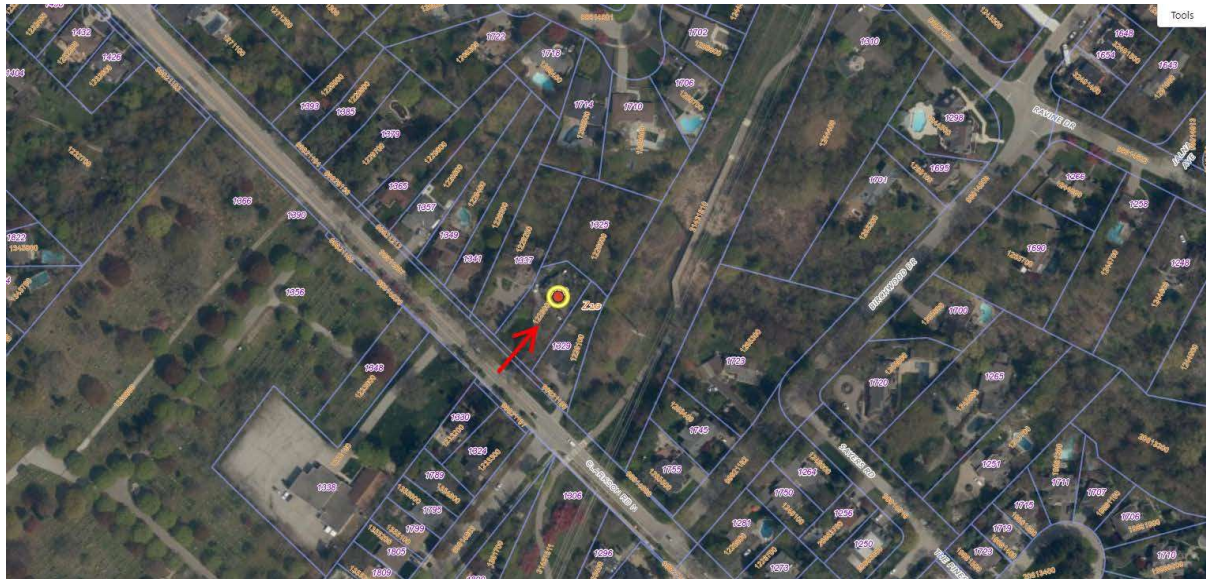
Zoning: R3-2- Residential

Other Applications: Building Permit application BP 23-7151

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 contains a two-storey detached dwelling with mature vegetation throughout.

The application proposes a new addition to the existing two-storey detached dwelling requiring variances related to setbacks, gross floor area, side yard widths and dwelling heights.



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 I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

A similar proposal was deferred by the Committee on March 30, 2023 under minor variance application A49.23. The Park Planning Section of the Community Services Department and Credit Valley Conservation (CVC) staff identified concerns with the location of the proposed swimming pool and pool equipment. Concerns were also identified regarding existing structures encroaching onto City lands. Staff also recommended that the applicant consider increasing the proposed combined side yard widths and decreasing the gross floor area of the detached dwelling.

The applicant has addressed Parks Planning and CVC's concerns and relocated the proposed pool and pool equipment. Parks Planning continues to recommend the above noted conditions of approval for the application, which includes the removal of an existing "frame shed" located on the shared rear property line.

The applicant has also addressed Planning staff's concerns regarding combined side yard widths and gross floor area. The applicant has increased the combined side yard setback from 4.76m (15.62ft) to 4.83m (15.85ft). The applicant has decreased the gross floor area from 560.42m² (6032.31ft²) to 515.23m² (5545.89ft²). Staff are satisfied that the proposed dwelling maintains compatibility with the surrounding area and will not negatively impact the character of the streetscape. Staff continues to have no concern with the remaining variances.

Through a detailed review of the application, staff are of the opinion that the application, as amended and subject to conditions, 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 addition will be addressed by our Development Construction Section through Building Permit BP 9ALT-23/7151.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 23-7151. Based on the review more information is required. Variances 3-5 are correct, however more information is required to determine variance 1 and 6. Based on the information available in this application, we advise that the following variances be added:

7. A rear yard setback to the proposed G1 Zone of 0.00m to a proposed shed, where a minimum setback to the G1 Zone of 5.0m is required.

The existing shed is over the property line, the applicant should reach out to realty services about an agreement. Or ask for clarification, realtyservices@mississauga.ca

8. A proposed setback of 2.24m to the proposed deck/stairs, where a minimum setback of 5.0m is required from a deck to the G1 zone.

Comments Prepared by: Brooke Herczeg, 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 Not Yet Named (P-496) *(North of Clarkson Rd. N. and Birchwood Dr.), 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 measure(s):

- 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 wishes to impose the following condition(s):

1. All existing encroachments are to be removed from adjacent City owned lands.
2. Prior to the issuance of a pool permit, a 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards along the property line at the rear of the property. The fencing is to be located 0.15 metres inside City owned lands. No gates are permitted.
3. The Tree Protection Zone (TPZ) identified to be relocated two (2) metres above the top of bank to ensure maximum protection of the valley feature.
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.

In addition, 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 excess water from swimming pool shall be drained into the Significant Natural Area and adjacent creek at the rear of the property.
5. 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.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – 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 our mapping, the subject property is regulated due slope hazard associated with Birchwood Creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow an addition proposing:

1. A setback from the outdoor swimming pool to the G1 Zone of 4.57m (approx. 14.99ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) in this instance;
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4. 7.65m (approx. 25.10ft) in this instance;
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7. A rear yard setback of the proposed garage to the G1 Zone of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

COMMENTS:

CVC staff has visited the site and staked the Top of Bank on Aug 10, 2023. Based on the site visit and further discussions with the applicant, our previous concerns have been addressed in the latest plans. As such, CVC has no objection to the approval of the minor variances at this time.

The applicant is to note that the property is regulated by CVC and a CVC permit is required for the proposed works.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel**Minor Variance: A-24-125M / 1333 Clarkson Road North**Development Engineering: Brian Melnyk (905)-791-7800 x3602**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