

City of Mississauga Department Comments

Date Finalized: 2024-08-15	File(s): A230.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A below grade entrance in the exterior rear yard whereas By-law 0225-2007 as amended, does not permit a below grade entrance in the exterior rear yard in this instance;
2. An exterior side yard setback of 4.89 m (approx 16.03 ft.) whereas By-law 0225-2007, as amended requires a minimum exterior side yard setback of 6.0 m (approx. 19.69 ft.) in this instance;
3. A gross floor area (infill residential) of 385.64 sq m (approx. 4149.48 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 358.98 sq m (approx 3864.06 sq ft) in this instance;
4. A lot coverage of 39.13% (330.64 sq m) whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.00% (295.72 sq m) in this instance; and
5. An exterior side yard setback to the eaves of 4.14 m (approx 13.57 ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the eaves of 5.55 m (approx. 18.21 ft) in this instance.

Background

Property Address: 1880 Hindhead Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1-Residential

Other Applications: Building Permit application 24-319

Site and Area Context

The subject property is located within the Clarkson - Lorne Park Neighbourhood Character Area, northeast of the Lakeshore Road West and Southdown Road intersection. The neighbourhood is entirely residential, consisting of a mix of older and newer one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property is a corner lot containing a one-storey single detached dwelling with mature vegetation in the front yard.

The application is proposing to facilitate the construction of a new two-storey detached dwelling requiring variances for a below grade entrance, gross floor area, lot coverage and side yard 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:

Staff note that this application was previously before the Committee of Adjustment on May 30th, 2024, wherein it requested similar variances as the current application along with variances for the interior side yard setback. The application was deferred to address staff concerns regarding the excessive gross floor area (GFA) and the side yard setback regulations along with an opportunity to provide revised elevations depicting the below grade entrance.

The current application has eliminated the variances for the interior side yard setbacks by pushing the house closer to the street and reducing the exterior side yard setbacks. No revised elevations have been provided. Further, while Planning staff are not in a position to provide a Zoning review, it appears that the GFA may have been calculated incorrectly. Staff raised this concern with the applicant on July 30, 2024. Staff note that the agent did not provide further clarification but sent a revised application form to reflect a proposed GFA of 416m.31² (4481.16ft²) from the original 385.64m² (4149.48ft²). Committee staff have confirmed that a recirculation fee was not received and hence, the variances remain as originally circulated.

Staff remain of the opinion that the proposed GFA is excessive and recommend that the applicant redesign the dwelling to address these concerns. Staff are of the opinion that the application be deferred to address the above concerns regarding the GFA. Further, staff recommend the applicant work with Zoning staff to ensure the accuracy of the requested variances.

Comments Prepared by: Shivani Chopra, 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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 24/319.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-319. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – TNPI

Please note, TNPIs comments remain the same from the 1st submission attached for A230.24 - 1880 Hindhead Road.

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator

Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner