

# City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A370.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

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

1. A lot coverage of 47.65% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A setback to the first storey eaves of 0.43m (approx. 1.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the first storey eaves of 0.75m (approx. 2.46ft) in this instance;
3. A first storey setback of 0.95m (approx. 3.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
4. A setback to the second storey eaves of 0.94m (approx. 3.08ft) whereas By-law 0225-2007, as amended, requires a minimum first storey setback of 1.35m (approx. 4.43ft) in this instance;
5. A second storey setback of 1.23m (approx. 4.04ft) whereas By-law 0225-2007, as amended, requires a minimum second storey setback of 1.81m (approx. 5.94ft) in this instance;
6. An eaves setback to the front yard of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, permits a maximum eaves setback to the front yard of 7.05m (approx. 23.13ft) in this instance.

## Background

**Property Address:** 1312 Seagull Dr

**Mississauga Official Plan**

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

### Zoning By-law 0225-2007

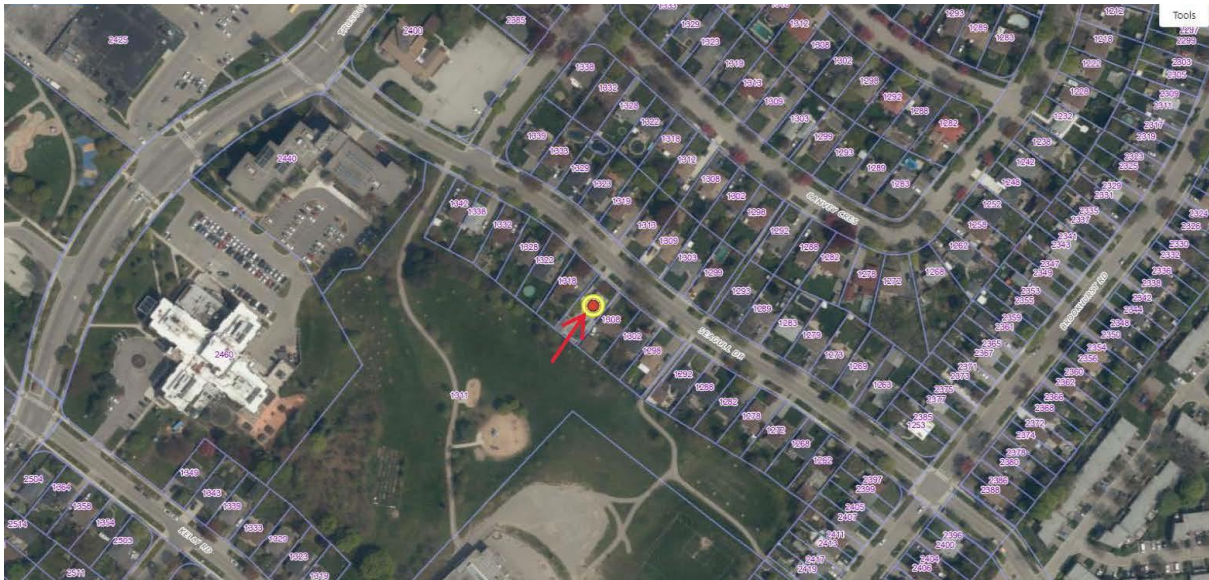
Zoning: R3 - Residential

Other Applications: Building Permit under file BP 9ALT 24-9009

### Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, south of Truscott Drive and west of Southdown Road. The immediate neighbourhood is residential, consisting primarily of older one storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard. The property abuts a municipal park to the south.

The applicant is proposing a second storey addition requiring variances for lot coverage and 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 of the four tests to this minor variance request are as follows:

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is within the Clarkson – Lorne Park neighbourhood and is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings in this instance. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposed addition is appropriate for the subject property and will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the designated and surrounding land uses. Therefore, planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the application requests an overall increase of 12.65% from the permissible regulation, which appears significant numerically. However, elements like excessive eaves, front porch, rear deck and the balcony contribute approximately 15.5% to the proposed lot coverage. The dwelling attributes to a lot coverage of approximately 26.8% while the remaining coverage can be attributed to the existing shed and detached garage. Staff are of the opinion that these elements do not pose the same massing impacts as an enclosed structure. Additionally, a portion of the dwelling on the main storey is a carport which further mitigates massing impacts. Further, no variances are requested for gross floor area or height. Staff are satisfied that the requested increase in the overall lot coverage does not represent an overdevelopment of the lot.

Variances #2-5 all pertain to reductions in setbacks. Variances #2 and #4 pertain to setbacks measured to the first and second storey eaves respectively and Variances #3 and #5 pertain to setbacks measured to the first and second storey respectively. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, adequate drainage patterns are maintained and access to the rear yard remains unencumbered. Staff note the side yard setbacks are all measured to west side of the dwelling and the east side meets the by-law requirements. Further

the first storey setback is measured to the existing carport columns and represents an existing condition. The applicant is proposing to build the second storey on top of the existing first storey. Staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area and allow for adequate separation between principal structures on neighbouring lots. Transportation and Works staff have raised no drainage concerns and access to the rear yard remains unencumbered on the other side.

Variance #6 pertains to eave setback to the front yard. Staff note the application proposes a setback of 7.08m (23.23ft) whereas 7.05m (23.13ft) is required. The proposed setback is greater than the requirement and as such, the variance appears to be incorrect.

Given the above, staff are satisfied that the intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposal maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 23/9009.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9ALT 24-9009. The applicant was asked to provide additional information and has yet to submit it. Therefore, staff could not finalize the required variances. Staff recommend that the information be provided through the Building Permit Application so that the required variances can be determined.

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: Tage Crooks, Planner Zoning Examination

### **Appendix 3 – Parks, Forestry & Environment**

#### **Park Planning**

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 Hillside Park (P-004) and zone OS1 – Open Space – Community Park.

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. 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

#### **Forestry**

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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

#### **Appendix 4 – Region of Peel**

**Minor Variance Application: A-24-370M / 1312 Seagull Drive**  
Development Engineering: Brian Melnyk (905) 791-7800 x3602

**Comments:**

- 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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner