

# City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A407.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 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 construction of a new house proposing:

1. A combined side yard width of 5.65m (approx. 18.54ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 9.22m (approx. 30.25ft) in this instance;
2. An eaves height of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

## Amendments

The Building Department is processing Building Permit application 24-2629. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

Add the following variances:

3. A left side yard setback to the eaves of 1.92m, whereas a minimum of 1.96m is required.
4. A combined width of side yards of 4.13m to the eaves, whereas a minimum of 8.32m is required.

## Background

**Property Address:** 730 Meadow Wood Rd

## Mississauga Official Plan

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

## Zoning By-law 0225-2007

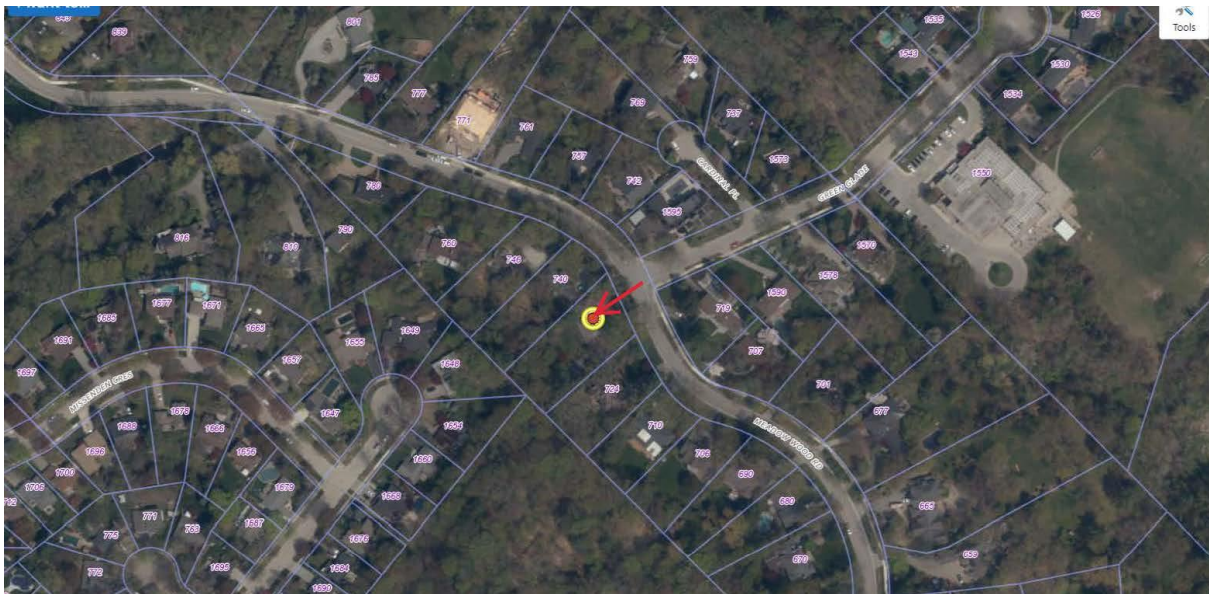
Zoning: R1-2 - Residential

Other Applications: Building Permit application 24-2629

## Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southeast of the Clarkson Road North and Lakeshore Road West intersection. The immediate area consists of one and two-storey single detached dwellings on large lots 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 property.

The application proposes a new two-storey detached dwelling requiring variances for combined side yard width measured to the dwelling and eaves, eave height and eave setback.



## 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 in Schedule 10 of the Mississauga Official Plan (MOP). The designation permits only detached dwellings in this instance. Staff are satisfied that the proposed dwelling maintains the permitted residential use and is designed in a way that respects both the existing site conditions and the surrounding context.

Zoning staff have identified additional variances for side yard setback measured to the eaves. Variances #1, #3 and #4 all pertain to side yard setback regulations. The general 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. Staff note that while the reduction in the combined setback width appears significant numerically, the proposed dwelling provides adequate individual setbacks for both the northernly and southernly side yards. Staff are of the opinion that the dwelling maintains sufficient buffer between primary structures on neighboring properties. Further, through a review of the immediate neighborhood, staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area.

Variance #2 pertains to eave height. The intent in restricting height to the eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increase of 0.57m (1.87ft) is exceedingly minor numerically and will be mitigated by the difference in average and finished grade. Staff are satisfied the increase will be unperceivable and that incorporation of architectural features like varying materials and windows in the dwelling design further mitigates any massing impacts. Further staff note no variance for overall dwelling height is required.

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, 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 24/2629.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-2629. Based on review of the information available in this application, we advise that following amendments are required:

Add the following variances:

5. A left side yard setback to the eaves of 1.92m, whereas a minimum of 1.96m is required.

6. A combined width of side yards of 4.13m to the eaves, whereas a minimum of 8.32m is required.

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: Sibila Lass Weldt, Zoning Examiner

### **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 Meadowwood Park (P-006), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G2. 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 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the proposed asphalt driveway on Meadow Wood Rd. will likely impact the existing False Cypress tree and existing Red Oak tree, located within the City Right-of-Way (ROW). Further information regarding these trees is noted below:

- False Cypress: 20cm DBH approx., good condition, minimum Tree Protection Zone (TPZ) 1.5m, located north of the proposed asphalt driveway, City owned tree
- Red Oak: Multi-stem, 110cm/80cm DBH approx., good condition, minimum Tree Protection Zone (TPZ) 11.4m, located south of the proposed asphalt driveway, City owned tree

Forestry also notes that the proposed 38mm Copper "K" Water Service will likely impact the existing Colorado Spruce tree, located within the City Right-of-Way (ROW). Further information regarding this tree is noted below:

- Colorado Spruce: 26cm DBH, fair-poor condition, minimum Tree Protection Zone (TPZ) 1.8m, located south of the proposed 38mm Copper "K" Water Service, City owned tree

Care should be taken to protect the above noted City trees, and all City trees located on this property's frontage, as best as possible. If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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-24-407M / 730 Meadow wood Road**

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

Comments Prepared by: Petrele Francois, Junior Planner