

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): A190/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

## Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

## Application Details

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

1. A driveway width of 22.26m (approx. 73.03ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
2. A walkway width attachment of 2.90m (approx. 9.51ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width attachment of 1.50m (approx. 4.92ft) in this instance;
3. A northerly side yard of 2.53m (approx. 8.30ft) whereas By-law 0225-2007 as amended, requires a minimum northerly side yard of 5.00m (approx. 16.40ft) in this instance;
4. A northerly side yard measured to the window well of 2.53m (approx. 8.30ft) whereas By-law 0225-2007 as amended, requires a minimum northerly side yard measured to the window well of 4.39m (approx. 14.40ft) in this instance;
5. A floor area of an accessory structure of 67.03sq.m (approx. 721.50sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of an accessory structure of 60.00sq.m (approx. 645.84sq.ft) in this instance;
6. A dwelling unit depth of 56.10m (approx. 184.05ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
7. A building height measured to the eaves of 11.51m (approx. 37.76ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
8. A building height measured to the highest ridge of 13.47m (approx. 44.19ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;

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9. A building height measured to a flat roof of 9.20m (approx. 30.18ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
10. A garage area of 137.25sq.m (approx. 1477.35sq.ft) whereas By-law 0225-2007, as amended, permits a maximum a garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance.

## Background

**Property Address:** 594 Old Poplar Row

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

### Other Applications

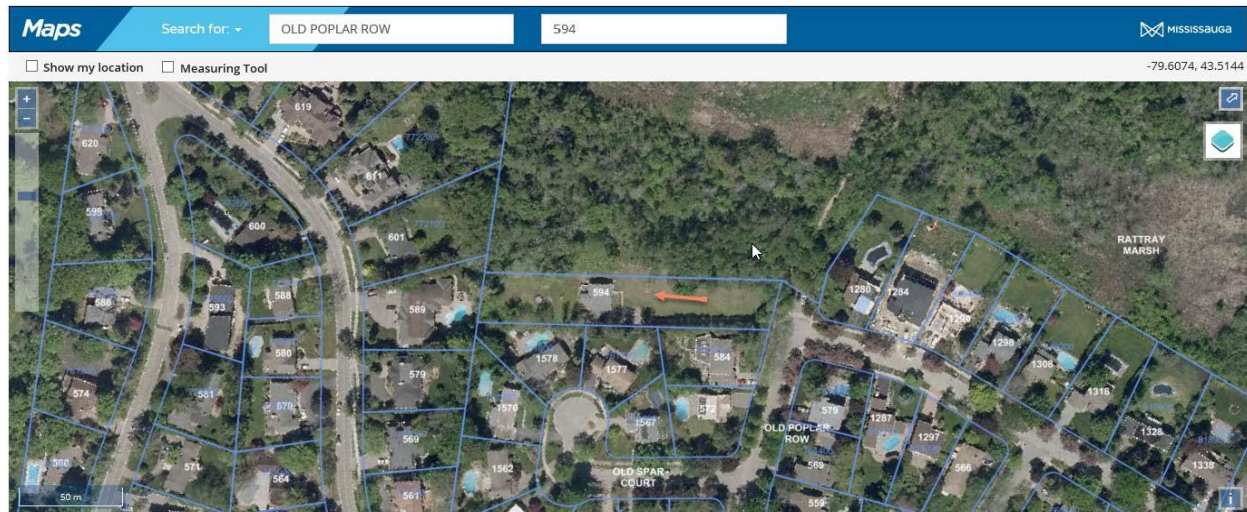
Site Plan Application: 20-27

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Southdown Road and Orr Road. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. Abutting the subject property to the north is Rattray Marsh Conservation Area. The subject property contains an existing one storey dwelling with significant mature vegetation surrounding the lot.

The application proposes a new one storey dwelling requiring variances related to driveway and walkway widths, side yards, height, dwelling depth and floor area associated with the accessory structure and garage.

The application was previously deferred to allow the applicant to meet with residents and try to address concerns related to setbacks and drainage. The applicant has shifted the dwelling approximately 0.88 m to the north, providing a larger southerly side yard setback. The only variances requesting amendments relate to the driveway width and northerly side yard setbacks. As such, previous comments remain applicable.



## 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Section 16.5.1.4 (Infill Housing) states new dwellings are encouraged to fit the scale and character of the surrounding area and have minimal impacts on its adjacent neighbours. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The design of the dwelling mitigates the impact on the adjacent property to the south as the dwelling depth on this portion of the side yard maintains by-law requirements. Furthermore, the dwelling proposes one storey which has a height less than the maximum permitted under the by-law measured from established grade. As Rattray Marsh Conservation Area abuts the subject property to the north, there would be no massing impacts from the dwelling. As such, staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variances #1 and 2 proposes an increased driveway width and walkway attachment width. The intent of the by-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping and to not allow additional vehicular parking on the walkway. The proposed dwelling is significantly setback from the street and contains mature vegetation around the front portion of the lot. As a result, the proposed variances would not have a negative impact to the streetscape. The proposed driveway mostly maintains a width of 3.54 m, however, is increased to 22.56 m when measured from the widest point for a portion of the driveway. There is significant soft landscaping within front yard, minimizing the overall impact of the proposed hard landscaping. The proposed walkway attachment is located abutting the main front door of the dwelling. Due to the design of the dwelling, the walkway attachment is internal to the site and would not have a negative impact to neighbouring properties. Similar to the proposed driveway, the walkway attachment is significantly setback from the street and will not negatively impact the neighbourhood streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #3 and 4 relate to a deficient northerly side yard measured to the dwelling and window well. As the dwelling as shifted closer to the northerly side yard, a deficient southerly side yard setback measured to a window well is no longer required. The general intent of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. North of the subject property is Rattray Marsh Conservation Area which is zoned Greenlands and requires a 5 m setback. The proposed dwelling and window well is sufficiently setback from this zone and would not negatively impact the conservation area. It should be noted that the Credit Valley Conservation (CVC) Authority have reviewed the plans and have no objections to the variances. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes a floor area of 67.03 m<sup>2</sup> for an accessory structure whereas a combined area of 60 m<sup>2</sup> is permitted. The intent of the by-law is to ensure that structures are proportional to the lot and dwelling and are clearly accessory to the principle use while not presenting any massing concerns to neighbouring lots. The proposed accessory structure is significantly setback from the adjacent property to the south, maintaining a setback of 7 m and a height of 3.45 m, minimizing any massing impacts. Furthermore, the accessory structure makes up approximately 1.96% of the total coverage which results in the structure being proportional to the lot and accessory to the dwelling. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #6 proposes a dwelling depth of 56.10 m whereas a maximum depth of 20 m is permitted. The intent of the by-law is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, the dwelling at grade maintains a depth of 39.12 m; however, the depth is broken up on the north and south side of the dwelling. The south side of the dwelling has a depth of 19.82 m while the north side of the dwelling has a depth of

approximately 29.23 m. The remaining dwelling depth is due to the basement which contains a tunnel connecting the dwelling to the proposed accessory structure. The depth on the south side of the dwelling maintains by-law requirements and is one storey which mitigates the impact of a long continuous wall abutting the neighbouring lot. The north side of the dwelling abuts Rattray Marsh Conservation Area, as such, the increased dwelling depth will not have a massing impact. The remaining dwelling depth is located below grade and does not result in any additional massing of a long continuous wall. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #7 – 9 relate to the increased height of the eaves, flat roof and highest ridge. The intent of the zoning by-law is to lessen the visual massing of a dwelling while not presenting any shadowing or overlook concerns to abutting properties. The requested height variances are attributed to the discrepancy between average and established grade. Average grade is calculated by averaging eight points: two points at the front lot line, two points at the front yard requirement (9 m), two points 15 m from the front yard and two points from the street centreline. The dwelling is setback approximately 60 m from the street, whereas the front yard requirement is 9 m. On large irregular properties, the average grade can be significantly different than the established grade. In this instance, the difference between the average grade and established grade is approximately 4.67 m. The dwelling height measured to the highest ridge from established grade is 8.8 m. All variances related to height maintain by-law requirements measured from established grade, mitigating any potential impact to the character streetscape and minimizing any overlook concerns. Due to the significant difference between average and established grade, staff is of the opinion that the requested heights are appropriate in this instance and that the intent and purpose of the zoning by-law is maintained.

Variance #10 proposes an increased garage area of 137.25 m<sup>2</sup> whereas a maximum of 75 m<sup>2</sup> is permitted. The intent in restricting the overall amount, and individual size, of an attached garage is to ensure that the detached dwelling remains residential in nature, so that the majority of the structure's ground floor area is attributed to livable space, rather than storage space.

Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple, or excessive, garage faces from a streetscape perspective. In this instance, the application proposes a below grade garage which does not add any structural massing to the street. As a result, the increased garage area will not negatively impact neighbouring properties and ensures the dwelling is mostly attributed to livable space and remains residential in nature. Staff is of the opinion that the general 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 proposed dwelling maintains the existing character of the neighbourhood and will not negatively impact the character streetscape as a majority of the proposed variances are due to technicalities and does not add any significant massing to the dwelling. The variances related to height are inflated due to the calculation of average grade which is approximately 4.67 m below established grade. From established grade, the proposed dwelling maintains all height

provisions within the by-law. The application proposes a one storey dwelling which minimizes any impacts to the southerly property. The dwelling maintains a depth of 19.82 m on the south side of the dwelling while the north side of the dwelling has a depth of 29.23 m. The southerly side of the dwelling maintains the zoning by-law requirement and has a height of 8.80 m to the highest ridge from established grade; however, a majority of the dwelling maintains a height of approximately 6.70 m, lessening the visual impact to the neighbouring property. The proposed dwelling is significantly setback from street and as a result, the dwelling will not pose any negative massing concerns. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SPI-20/027. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently reviewing site plan application 20-27. From our review of the application, the applicant we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

- The lands adjacent to the property are owned by the Credit Valley Conservation Authority (CVC) and leased by the City of Mississauga, identified as Rattray Marsh (Park #126) and within the Significant Natural Area, zoned G-1. 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,..., grading, landscaping...;
- Tree preservation hoarding and securities may be required as part of the site plan control process.
- Stockpiling of construction materials and encroachment in the adjacent park is not permitted. Construction access from the park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

## Appendix 6- Conservation Authority Comments

Thank you for circulating CVC on the amended subject minor variance application.

Further to our commenting letter dated June 1, 2020, CVC staff have **no concerns** and **no objection** to the requested amended minor variances. It should be noted that a CVC permit is required for the development as proposed.

Please circulate CVC any future correspondence regarding this application.

Should you have any questions or concerns, please feel free to contact me.

Comments Prepared by: Elizabeth Paudel, Junior Planner