

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-21	File(s): A526.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/28/2024 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 gross floor area - infill residential of 497.31sq.m (approx. 5,353.00sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 375.80sq.m (approx. 4,045.08sq.ft) in this instance;
2. A lot coverage of 33.98% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance;
3. A height measured to the eaves of 7.29m (approx. 23.92ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A combined width of side yards of 5.23m (approx. 17.16ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.58m (approx. 21.59ft) in this instance; and
5. A front yard measured to a porch of 6.25m (approx. 20.51ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 7.40m (approx. 24.28ft) in this instance.

Background

Property Address: 585 Indian Rd

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighborhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

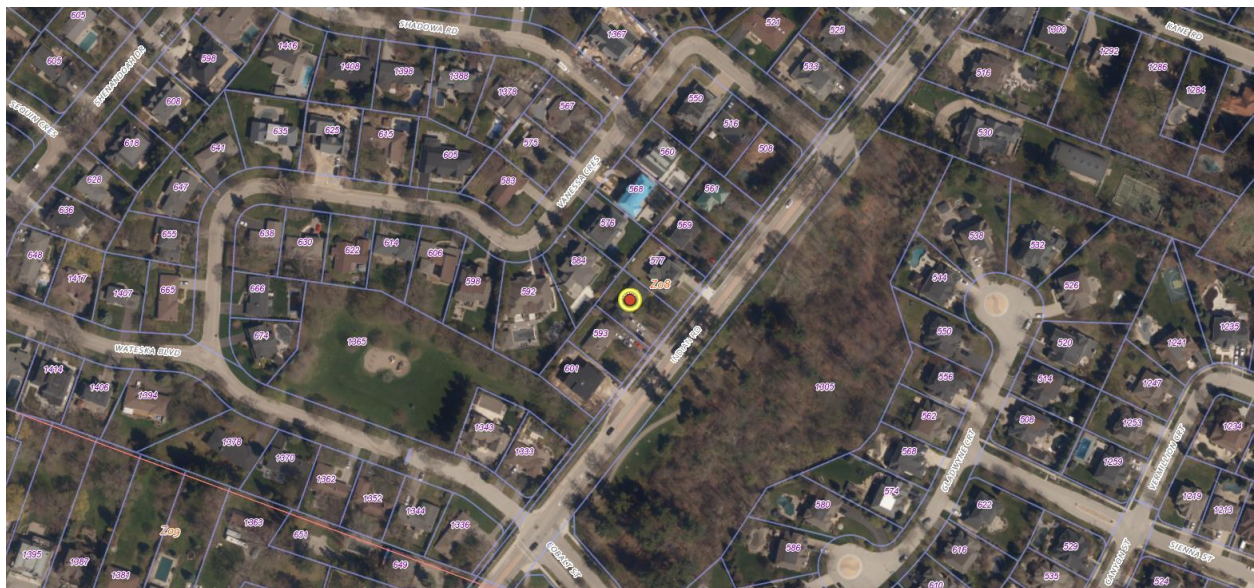
Zoning: R2-4 - Residential

Other Applications: Building Permit BP 9NEW-24/2057

Site and Area Context

The subject property is located within the Clarkson - Lorne Park Neighbourhood Character Area, southwest of the Mississauga Road and Indian 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 contains 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 gross floor area, lot coverage, eave height, combined width of side yards and front yard 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 of the four tests to this minor variance request are as follows:

The site is located within the Clarkson-Lorne Park Neighbourhood, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits only detached dwellings in this instance.

The proposal requests variances for an increase in lot coverage, gross floor area (GFA), eave height, combined width of side yards and front yard setback.

The intent in restricting GFA is to maintain compatibility between existing and new dwellings, ensuring the existing and planned character of a neighbourhood is preserved and to lessen the visual massing of the dwelling. The proposed GFA represents a significant departure from the maximum permission, posing significant massing impacts on adjacent properties and the streetscape. Further, staff are of the opinion that the proposal will create a dwelling that does not meet the intent of the infill regulations, maintain compatibility with the existing dwellings in the neighbourhood or preserve the neighbourhood's existing character.

Further, staff are of the opinion that the increase in eave height will exacerbate the massing impacts to both the streetscape and abutting properties.

Given the above, staff recommend the application be deferred to allow the applicant an opportunity to redesign the proposal.

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 will be addressed by our Development Construction Section through Building Permit BP 9NEW-24/2057.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-2057. Based on the review of the information available in this application, the requested variances are correct.

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

Forestry Comments

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 the construction works in front of the proposed house has the potential to impact the two trees located along the frontage. The construction works affiliated with the driveway will injure the City-owned White Birch tree, and the walkway construction may impact the Norway Maple tree (boundary), potentially resulting in tree injury. Care should be taken to protect the below noted trees as best as possible:

- White Birch: 61cm DBH, good condition, minimum Tree Protection Zone (TPZ) 4.2m, located northeast of driveway, City tree.
- Norway Maple: 85cm DBH, good condition, minimum Tree Protection Zone (TPZ) 5.4m, located northeast of driveway, boundary tree.

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. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-526M / 585 Indian Road

Development Engineering: Brian Melnyk (brian.melnik@peelregion.ca)(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 by email at siteplanservicing@peelregion.ca.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner