

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2024-11-21	File(s): A530.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/28/2024 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended, subject to the condition.

## Application Details

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

1. A height measured to the highest ridge of a flat roof of 9.58m (approx. 31.43ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the highest ridge of a flat roof of 7.50m (approx. 24.61ft) in this instance;
2. A height measured to the eaves of 6.96m (approx. 22.83ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
3. A dwelling depth of 20.98m (approx. 68.83ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. A lot coverage of 40.05% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
5. A northerly side yard of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
6. A southerly side yard of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
7. A side yard measured to a garage located in an interior side yard of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a garage located in an interior side yard of 1.81m (approx. 5.94ft) in this instance;
8. A northerly side yard measured to hardscaping of 0.29m (approx. 0.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hardscaping of 0.61m (approx. 2.00ft) in this instance; and
9. A front yard of 7.01m (approx. 23.00ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance.

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## Amendments

Through discussions with the applicant and Transportation and Works staff, the applicant has submitted revised drawings. As such staff note the following amendments:

Variance #4 proposes a lot coverage of 38.95% whereas 35% is permitted.  
Variance #8 is not required.

## Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend that a condition be added to permit height variances #1 and #2 restricted to a two-storey dwelling only.

## Background

**Property Address:** 936 Johnathan Dr

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

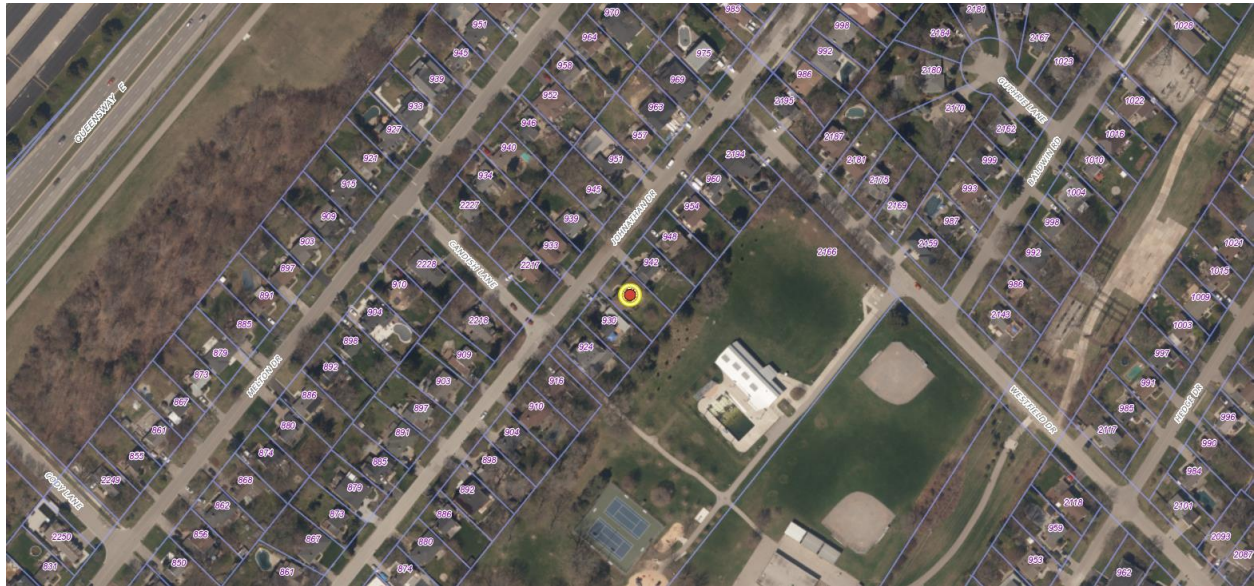
### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

### Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, southeast of the Queensway East and Cawthra Road intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for lot coverage, dwelling height, eaves height, dwelling depth 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 located within the Lakeview Neighbourhood Area and is designated Residential Low Density I. This designation permits detached, semi-detached and duplex dwellings. 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 built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the surrounding context and 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?**

Variances #1 and #2 pertain to dwelling and eave height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize its negative impacts on the streetscape and neighbouring properties. The intent of 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. Planning staff typically do not support flat roof heights of this magnitude; however, the dwelling presents the roof line as a sloped roof from the streetscape and that the flat roof variance is technical due to the design of the roof. Staff are of the opinion that the proposed dwelling meets the intent of the flat roof height regulation, as it is limited to two-storeys with dormer windows. As such, staff are of the opinion that the variance satisfies the intent of the by-law.

Variance #3 requests an increase in the dwelling depth. The intent of this provision is to minimize the impacts of long walls on neighbouring lots and the building's massing. Staff note that the increase in the dwelling depth can be attributed to the covered front porch, which is primarily an open structure and does not have the same massing impact as the rest of the dwelling. Staff are of the opinion that the request will not create any impact on adjoining properties.

Variance #4, as amended, requests an increase in the total 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 dwelling's footprint represents approximately 37.6% of the total lot coverage and 1.10% can be attributed to the covered porch. The dwelling does not require relief from gross floor area regulations, which could have had the effect of exacerbating a building's massing. Staff are satisfied that the lot coverage represents an appropriate balance between the existing and planned character of the area in this instance.

Variances #5, #6 and #7 pertain to side yard setbacks. 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 reduction in setback on the southerly side is exceedingly minor (0.01m or 0.03ft) and will be imperceptible. The reduced side yard setbacks on the northerly side are measured only to a portion of the dwelling on the northeast corner. The rest of the dwelling maintains a setback of approximately 3.6m (11.81ft), maintaining the intent of the zoning by-law.

Variance #9 pertains to reduced front yard. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The reduced setback is measured to the front porch at a pinch point, as the lot line and dwelling are not parallel to each other. Staff note the dwelling maintains the required 7.5m setback required by the by-law, ensuring that a consistent character is maintained along the streetscape. Staff are satisfied that the proposal maintains an appropriate front yard amenity area.

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 proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to 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

This Department has been in contact with the applicant regarding Minor Variance #8 that requests a 0.29m northerly side yard setback to the hard scaping.

We advised the applicant that due to the lack of grading information provided, this Department could not support the 0.29m setback in the side yard. The applicant has since revised Site Plan A1.0 to show a 0.6m setback (see attached Site Plan A1.0).

Therefore, we have no concerns with the proposed variances provided that Minor Variance #8 is revised to suit a 0.6m setback.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

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We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Crystal Abainza, Zoning Examiner

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

#### Park Planning Comments

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 Westacres Park (P-024), zoned 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 – Park Planning, 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

#### Forestry Comments

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

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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 Technician, 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 Technician

## Appendix 4 – Region of Peel Comments

### Minor Variance Application: A-24-530M / 936 Johnathan Drive

Development Engineering: Brian Melnyk ([brian.melnik@peelregion.ca](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner