

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A538.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 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 an addition proposing:

1. A building depth of 29.79m (approx. 97.74ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
2. A combined side yard setback of 3.41m (approx. 11.19ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.49m (approx. 27.86ft) in this instance;
3. A side yard setback to the second storey of 2.21m (approx. 7.25ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
4. A rear yard setback of 4.15m (approx. 13.62ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
5. A gross floor area (residential infill) of 573.14sq m (approx. 6169.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (residential infill) of 484.48sq m (approx. 5214.94sq ft) in this instance;
6. A dwelling height of 8.05m (approx. 26.41ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
7. A lot coverage of 36.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 26.50% in this instance.

Amendments

The Building Division is processing Building Permit application BP 9ALT 23-10548. Based on the review of the information available in this application, Zoning staff advise that following amendment(s) is required:

6. A dwelling height of 9.46m (approx. 26.41ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;

Background

Property Address: 1352 Nocturne Crt

Mississauga Official Plan

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

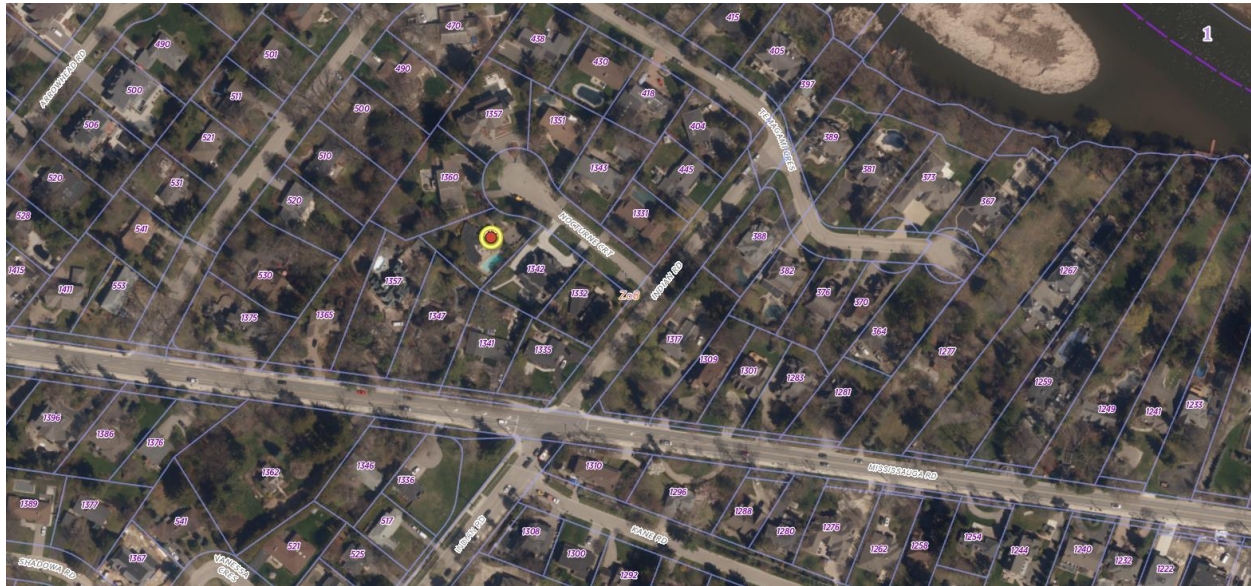
Zoning By-law 0225-2007

Zoning: R1-1 - Residential
Other Applications: Building Permit application BP 9ALT 23-10548

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northeast of the Mississauga Road and Indian Road intersection. The neighbourhood is primarily residential consisting of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard. The existing detached dwelling, designed by Toronto architect Harry B. Kohl, was showcased at the National Home Show in Toronto in 1962, prior to its erection on the subject property. The property and dwelling have been identified by the City as having historical value as the dwelling design has a rare physical value, and is known as the earliest surviving, round house in Mississauga.

The applicant is proposing a new two-storey addition requiring variances for building depth, setbacks, gross floor area, dwelling height and lot coverage.



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 subject property is located in the Clarkson Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The designation permits detached 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.

The property is the earliest known surviving, round house in Mississauga. The property has historical value due to its association with mid-twentieth century experimental design and has contextual value as it supports the original mid twentieth century character of the area.

The following Mississauga Official Plan policies are highlighted below that speak to heritage properties within the City of Mississauga:

7.5.1.13 Cultural heritage resources must be maintained in situ and in a manner that prevents deterioration and protects the heritage qualities of the resource.

7.7.1.4 The historic character and sense of community will be maintained through the preservation and protection of existing residential Neighbourhoods.

7.7.1.6 Mississauga will strive to conserve cultural heritage resources by incorporating them into community design.

Staff are of the opinion that the proposal respects the existing heritage dwelling and that the addition aligns with the official plan policies.

Staff note a Heritage Impact Assessment, which requires approval from the Heritage Advisory Committee (HAC) is necessary for the subject property. Through discussions with Heritage Planning, Planning staff highlight that a Heritage Impact Assessment has been submitted by the applicant and approval has been granted by HAC.

The applicant is proposing a new addition requiring variances for building depth, setbacks, gross floor area, dwelling height and lot coverage.

Variances #1, #2, #3, #5, #7 pertain to building depth, combined side yard setback, setback to second storey, gross floor area and lot coverage. The general intent of the zoning by-law with regards to these regulations is to mitigate building massing impacts on neighbouring lots and ensure there is no overdevelopment of the property. Staff are of the opinion that due to the design and shape of the dwelling, along with constraints due to the heritage building, these variances are technical and required to accommodate the addition.

Variance #6 requests an increase in the flat roof 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. Staff note the discrepancy between average and established grade of approximately 1.41m or 4.62ft appropriately mitigate any massing impacts the increase in height poses.

Variance #4 is regarding reduced rear yard setback. The intent in restricting rear yard setbacks is to ensure that an adequate buffer is maintained between neighbouring properties and appropriate rear yard amenity area is maintained. The variance is required for eave overhang. The dwelling design is round in shape and maintains a rear yard setback of 4.78m (15.8ft) at its closest point to the rear lot line. Staff are satisfied that an appropriate buffer is provided and an appropriate amenity area is maintained.

Staff are of the opinion that the proposed variances are required to ensure that the character and form of the heritage portion of the dwelling is maintained.

Further, staff are of the opinion that the proposed two-storey addition is appropriately designed and placed, respecting the existing heritage property, as well as the neighbourhood.

As such, 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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 23/5843.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 23-10548. Based on the review of the information available in this application, the following requested variance(s) are correct:

1. A building depth of 29.79m (approx. 97.74ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
2. A combined side yard setback of 3.41m (approx. 11.19ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.49m (approx. 27.86ft) in this instance;
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7. A lot coverage of 36.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 26.50% in this instance.

We also advise that following amendment(s) is required:

6. A dwelling height of 9.46m (approx. 26.41ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;

Please note that comments reflect those provided through the above application submitted on 9/10/2024. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-538M / 1352 Nocturne Court

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800
x6019

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.
- 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.
- The applicant is required to adhere to Region of Peel Watermain Design Criteria Standard 4.3: all hydrants near driveways shall have a minimum of 1.25m clearance from the edge of driveway.

Comments Prepared by: Petrele Francois, Junior Planner

Schedule 1

Conditions

- None