

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A230.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, as amended.

Application Details

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

1. A walkway attachment width of 3.35m (approx. 10.99ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
2. A below grade entrance in the exterior rear yard whereas By-law 0225-2007 as amended, does not permit a below grade entrance in the exterior rear yard in this instance;
3. An exterior side yard setback of 5.27m (approx. 17.29ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
4. A side yard setback to eaves of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to eaves of 1.36m (approx. 4.46ft) in this instance;
5. A gross floor area (infill residential) of 399.49sq m (approx. 4300.11sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 358.98sq m (approx. 3864.06sq ft) in this instance;
6. A lot coverage of 36.86% (311.51sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (295.72sq m) in this instance; and,
7. An exterior side yard setback to eaves of 4.82m (approx. 15.81ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to eaves of 5.55m (approx. 18.21ft) in this instance.

Amendments

The Building Department is processing Building Permit application 24-319. Based on review of the information available in this application, Zoning staff advise that following amendment is required:

2. A below grade entrance in the exterior side yard whereas By-law 0225-2007 as amended, does not permit a below grade entrance in the exterior side yard in this instance;

Background

Property Address: 1880 Hindhead Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1-Residential
Other Applications: Building Permit application 24-319

Site and Area Context

The subject property is located within the Clarkson - Lorne Park Neighbourhood Character Area, northeast of the Lakeshore Road West and Southdown 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 is a corner lot containing 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 a walkway attachment width, below grade entrance, gross floor area, lot coverage and side yard 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:

Staff note that this application was previously before the Committee of Adjustment on May 30th, 2024, and August 22, 2024, wherein it requested similar variances as the current application along with variances for the interior side yard setback. The application was deferred to address staff concerns regarding the excessive gross floor area (GFA) and the side yard setback regulations. The applicant has since revised the application to remove variances for interior side yard setback and has reduced the GFA.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings only in this instance. 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. It is staff's opinion that the proposal respects the designation and surrounding land use. Staff are satisfied that the proposal respects the scale and character of the area and preserves the front and rear yard setbacks.

Staff are of the opinion that the variances maintain the general intent and purpose of the official plan.

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

Variance #1 requests an increase in the walkway width. The intent of the walkway attachment regulations is to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff note the increase in the walkway width can be attributed to a one step riser. Additionally, no variance is required for front yard soft landscaping. Staff are satisfied that the walkway will not be able to facilitate additional parking and that the increase in width is due to the design of the entryway.

Variance #2, as amended, relates to a below grade entrance in the exterior side yard. The intent of the by-law in prohibiting a below grade entrance in the exterior side yard is to prevent negative visual impact to the overall streetscape. The proposed entrance is appropriately screened as part of the design of the dwelling and the entrance does not prevent access to the rear yard and amenity area.

Variance #4 pertains to the eaves setback on the interior side. Staff note the dwelling meets the setback requirements on the interior side of the dwelling. Staff are satisfied that a decrease of 0.14m (0.46ft) is exceedingly minor and will not be perceptible from the streetscape or the neighbouring property. Staff are satisfied that the eaves do not pose the same massing impacts as the dwelling, which meets the by-law requirements.

Variances #3 and #7 are required for deficient exterior side yard setback measured to the dwelling and the eaves. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. Staff note the reduced dwelling setback is the result of a pinch point measured to a rear covered deck. Due to the staggered design, the exterior side yard setback varies from 5.27m (17.29ft) at its smallest to 6.58m (21.58ft) at the dwelling. Further, staff are of the opinion that the eaves and the deck do not pose similar massing concerns as the dwelling.

Variance #5 pertains to gross floor area and variance #6 pertains to lot coverage. The intent in restricting gross floor area and lot coverage is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Furthermore, that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts on both abutting properties and the streetscape. Further, staff note that the dwelling's footprint represents approximately 28.5% of the total lot coverage, which is below the maximum permissible lot coverage of 35%. Therefore, staff are of the opinion that the variance is required to only accommodate elements like the front porch, eaves, balcony and rear deck, which do not have the same massing impacts. Staff also note that no variance has been requested for height which further mitigates any massing impacts.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal does not pose massing concerns on abutting properties. Staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 24/319.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-319. Based on review of the information available in this application, we advise that following amendment is required:

2. A below grade entrance in the exterior side yard whereas By-law 0225-2007 as amended, does not permit a below grade entrance in the exterior side yard in this instance;

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 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

Our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner

Schedule 1

Conditions

- None