

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2025-02-20	File(s): A574.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/27/2025 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 an addition proposing:

1. A lot coverage of 36.1%, where as By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A left side yard measured to a second storey of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a second storey of 1.81m (approx. 5.94ft) in this instance;
3. A right side yard measured to a second storey of 1.30m (approx. 4.27ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a second storey of 1.81m (approx. 5.94ft) in this instance;
4. A front yard of 7.53m (approx. 24.70ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance; and
5. A front yard measured to a porch of 5.52m (approx. 18.11ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 5.90m (approx. 19.36ft) in this instance.

### Amendments

The Building Department is processing Building Permit application BP 9ALT 24-2738. Based on review of the information available in this application, Zoning staff advise that following amendment(s) is/are required:

#4 - Proposed front yard setback of 7.35m, whereas By-Law 0225-2007, as amended, requires a Minimum front yard setback of 7.5m

## Background

**Property Address: 1664 Tarn Rd**

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

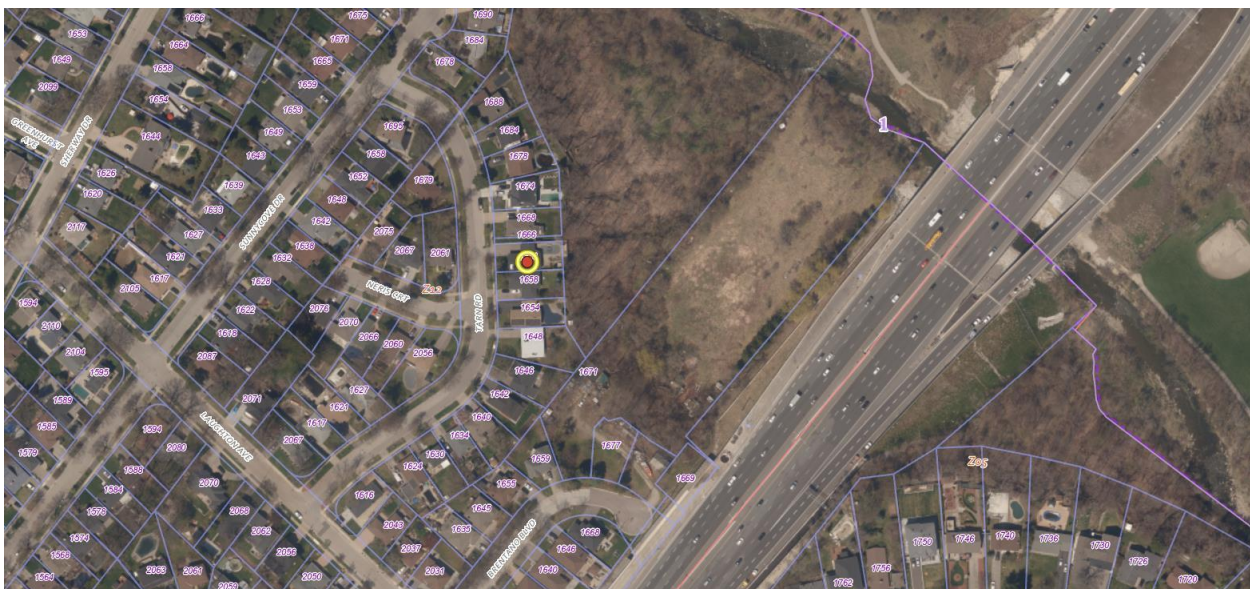
### Zoning By-law 0225-2007

Zoning: **R3-75 - Residential**  
Other Applications: **Building Permit application BP 9ALT 24-2738**

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of the Queen Elizabeth Way and east of Dixie Road. The surrounding neighbourhood is primarily residential consisting of one, one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing one-storey dwelling with vegetation in the front yard.

The applicant is proposing an addition requesting variances related to lot coverage 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 in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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. The proposal respects the designated and surrounding land uses. Planning staff are satisfied 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?**

Variance #1 pertains to lot coverage. Staff note that while the drawings submitted as part of this application indicate a lot coverage of 40.7%, Zoning staff have confirmed that the lot coverage calculation appears to be incorrect on the drawings. Planning staff have received a revised site plan from the applicant dated February 6, 2025, with the revised calculations. As such, a lot coverage of 36.1% is proposed. 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. In this instance the proposed dwelling's footprint represents less than 35% (32.59%) of the total lot coverage. Therefore, staff are of the opinion that the variance required is to accommodate a front porch and deck, which contribute an additional 3.49% to the total lot coverage. It is staff's opinion that these elements are primarily open structures which do not create the same massing impact as compared to an enclosed structure. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variances #2 and #3 request a reduction in the side yard setbacks measured to the second storey. The general intent of the side yard regulations is to ensure that an adequate buffer exists between the massing of structures on abutting properties. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Furthermore, the proposed side yards maintain a sufficient buffer to the neighbouring properties. Additionally, staff note that the first storey walls of the dwelling maintain the required setbacks. Therefore, it is staff's opinion that in this instance an appropriate buffer is maintained.

Variances #4 and #5 request a reduced front yard measured to the dwelling and porch. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff note that the

variance required for the front wall of the dwelling is exceedingly minor numerically (0.15m or 0.49ft) and does not pose significant impacts. Staff have no concerns with the requested variance, as it is consistent with front yards found within the immediate area. Furthermore, staff note that the reduced front yard is required to accommodate a porch and a specific architectural feature. Staff are of the opinion that the porch does not present any massing concerns. Staff are of the opinion that the reduction in the front yard is minor, and that adequate front yard amenity space is maintained in this instance.

**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 poses no massing concerns on abutting properties. 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 addition will be addressed by our Development Construction Section through Building Permit BP 9ALT-24/2738.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-2738. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

#4 - Proposed front yard setback of 7.35m, whereas By-Law 0225-2007, as amended, requires a Minimum front yard setback of 7.5m

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: Andrew Wemekamp, 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 to the rear of the property are owned by the City of Mississauga, identified as Valley Park (P-040), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. 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, appropriate location of building envelopes, grading, landscaping...;

In accordance with the zoning by-law (0225-2007), Section 4.1.8.1 states *the minimum setback for all **buildings, structures, parking areas and swimming pools** in Residential Zones to all lands zoned G1 or G2 Base Zone, shall be greater of 5.0 m or the required **yard/setback**.*

The submitted site plan (SP-1) identifies an existing patio and existing soft landscaping to remain. The existing patio and soft landscaping is encroaching onto City owned lands, and not meeting the required setbacks to a G1 zone.

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. All existing encroachments are to be removed from adjacent City owned lands. Any encroachment to remain shall require an Encroachment Agreement with the City.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

5. 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:

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.

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/>.

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**

- 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 [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

- 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 at 905.791.7800 x7973 or by email at [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

Comments Prepared by: Brian Melnyk, Development Engineering