

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-13	File(s): A38.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/20/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances #1-6, however, recommends that variance #7 be refused.

Application Details

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

1. A southerly side yard measured to the second floor of 0.78m (approx. 2.56ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second floor of 1.81m (approx. 5.94ft) in this instance;
2. A northerly side yard measured to the second floor of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second floor of 1.81m (approx. 5.94ft) in this instance;
3. A northerly side yard measured to the eaves of 0.68m (approx. 2.23ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
4. A height of 11.35m (approx. 37.24ft) whereas By-law 0225-2007, as amended, permits a maximum height of 10.7m (approx. 35.10ft) in this instance;
5. A lot coverage of 44.3% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
6. A walkway width of 1.78m (approx. 5.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and
7. A side yard measured to hardscaping in the rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hardscaping in the rear yard of 0.61m (approx. 2.23ft) in this instance.

Background

Property Address: 311 Fiona Terr

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

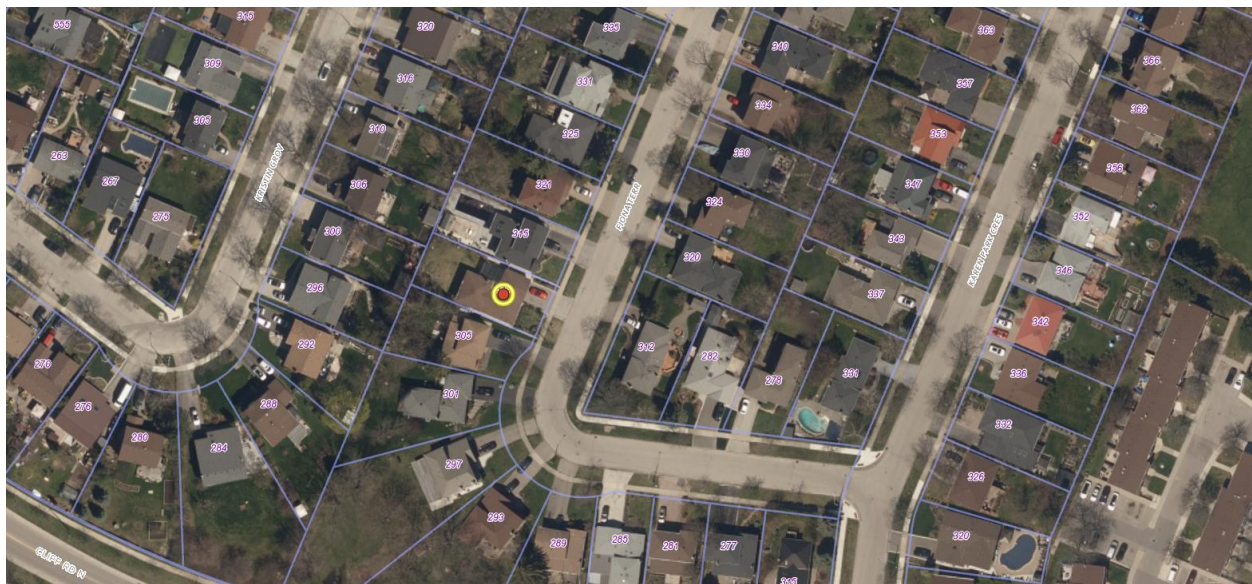
Zoning: R3 - Residential

Other Applications: Building Permit application 24-5182

Site and Area Context

The subject property is located north-east of the Cliff Rd and Mississauga Valley Blvd intersection within the Mississauga Valleys Neighbourhood. It currently contains a detached one-storey dwelling with limited vegetation and landscaping elements in the front yard. The property has an approximate lot area of +/- 557.43m² (1828.8ft²). The immediate neighbourhood is mostly residential, consisting of one and two-storey detached dwellings, semi-detached dwellings and townhouse blocks.

The applicant is proposing a new detached dwelling requiring variances for height, lot coverage, walkway width and side yard setbacks to the first storey, second storey, hardscaping and eaves.



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 Mississauga Valleys Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which 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 proposal conforms to the designation and staff are of the opinion that the proposed built form will not negatively impact the surrounding community. 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?

Variances #1 through 3 request a reduction to the side yard setbacks to the eaves and first and second storey. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard ultimately remains unencumbered. Variances #1 and 2 are proposing to build directly on top of the existing first storey and will not encroach any farther into either side yard than the existing structure. Variance #3 pertains to a 0.68m side yard setback measured to the eaves which protrudes only for a small portion of the side wall, the rest of the side yard complies with the By-law requirement. Staff are of the opinion that the dwelling has been designed with an appropriate buffer between the abutting structures and maintains unencumbered access to the rear yard.

Variance #4 requests an increase in the overall height of the structure. The intent of the infill regulations regarding height is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling. Staff note there is a difference between the average and finished grade of approximately 0.3m (1ft), which creates a perceived height of 11.05m (36.25ft) and reduces any negative impact. Staff are of the opinion that the proposed dwelling maintains the scale of newer dwellings within the immediate area. Staff are satisfied that the incorporation of architectural features like varying materials and windows in the design further mitigates any massing impacts.

Variance #5 requests an increase in 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. In this instance the proposed dwelling's footprint represents 35.2% of the total lot coverage, very close to the maximum permissible by-law regulations. The required variance is to accommodate a deck, eaves and a covered porch, which represents 9.1% of the lot coverage. With these elements being primarily open structures, any massing impact would be minimal and would not have the same effect if they were enclosed structures. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #6 relates to the proposed walkway attachment. The intent of this portion of the bylaw 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. The proposed walkway is not of sufficient size to accommodate a vehicle. Staff also note that the angle of the walkway would make maneuvering of a vehicle on the walkway difficult. Staff are of the opinion that the proposed width of the walkway is appropriately sized for the intended use. Further, staff note the walkway width decreases towards the front entrance of the dwelling.

Variance #7 relates to hardscaping in the rear yard. The intent of hardscaping setback regulations is to ensure that appropriate drainage patterns can be maintained. Staff relies on the expertise of Transportation and Works to address these variances. T&W staff have raised drainage concerns surrounding this variance and require more information as per the comment in Appendix 1. They have indicated that they cannot confirm that the removal of any drainage swales along the side yards would be acceptable and not negatively impact conveyance of runoff.

Given the above, Planning staff are satisfied that variances 1, 2, 3, 4, 5, & 6 maintain the general intent and purpose of the zoning by-law, however are of the opinion that variance 7 does not

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

Upon review of the application, staff are satisfied that variances #1-6 represent appropriate development of the subject lands. The various setbacks, height lot coverage, and walkway variances do not pose any major massing concerns. However, staff find that variance #7 is not minor in nature due to their impacts on drainage and abutting properties and are not appropriate development of the subject property.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the new dwelling/proposed addition will be addressed through the Building Permit Process, BP 9NEW 24-5182.

Regarding Variance #7 requesting a side yard setback measured to hardscaping in the rear yard of 0 m, we acknowledge that the information submitted in the SGL Planning & Design Inc. letter dated January 23, 2025 (Page #10 & 11) indicates that the 0 m setback is proposed to facilitate a pathway within the side yards. Further, it was indicated that the intent would be to ensure sufficient soft landscaping for runoff would be maintained and that the area would not be paved but rather paver stones would be utilized. This Department notes that paver stones are not considered soft landscaping and would not function as a drainage swale to enable conveyance of runoff.

This Department can not support Variance #7 until completion of the detailed Grading Plan review in order to confirm that the removal of any drainage swales along the side yards would be acceptable and not negatively impact conveyance of runoff. Further, we note, to date, our Development Construction Section has not reviewed a detailed Grading Plan through BP 9NEW 24-5182.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-5182. 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 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Development Engineering: Brian Melnyk (brian.melnik@peelregion.ca)|(905) 791-7800 x3602

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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner