

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-04-17	File(s): A429.23
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 4/24/2025 3:30:00 PM

## Consolidated Recommendation

The city has no objections to the application, subject to the amendment.

## Application Details

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

1. A combined side yard width of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 12.34m (approx. 40.49ft) in this instance;
2. A height to the highest ridge of 11.59m (approx. 38.04ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. A height to the underside of the eaves of 8.36m (approx. 27.43ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
4. A garage floor gross floor area of 109.62sq m (approx. 1179.94sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 75.00sq. m (approx. 807.29sq ft) in this instance;
5. A garage projection of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance; and
6. A dwelling depth of 20.83m (approx. 68.34ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

## Amendments

The Building Department is processing Building Permit application 25-5821. Based on review of the information available in this application, we advise that following additional variance is required:

7. A dwelling unit proposing two kitchens; whereas By-law 0225-2007, as amended, permits a maximum of one kitchen in this instance.

## Background

**Property Address: 1330 Oak Lane**

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning: R2-5- Residential**

**Other Applications: BP 9NEW-25/5821**

### Site and Area Context

The subject property is located within the Clarkson Lorne Park Neighbourhood, east of the Indian Road and Birchview Drive intersection. The neighbourhood is entirely residential consisting of one and two storey detached dwellings on lots with mature vegetation in the front yards. The subject property is a one storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for heights, eave height, combined width of side yards, garage gross floor area (GFA), garage projection and dwelling depth.



## 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 designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The Greenlands designation only permits development on properties if they are existing lots of record and are not within the regulatory storm floodplain or hazard lands associated with a valley and watercourse corridor. The proposed detached dwelling respects the designated land uses and applicable policies.

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

Variance #1 relates to the combined side yard width of the subject property. 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. Staff note that the proposed dwelling maintains the required individual side yard setbacks providing sufficient unencumbered access to the rear yard from both side yards. Similar deficiencies are common for detached dwellings in the immediate neighbourhood. Staff are satisfied that the proposed combined side yard width is

not out of character within the immediate neighbourhood and maintains a sufficient buffer to the neighbouring properties.

Variances 2 & 3 relate to the height of the eaves and the overall height of the dwelling. The intent of restricting height to the eaves and overall height is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground to keep the height of the dwelling within human scale. Staff note that the requested height variances are measured from average grade. Of the 11.59m (38.02 ft) height variance, there is discrepancy of approximately 1.20m (3.93ft) between average and established grade thereby visually reducing the overall dwelling height from a streetscape perspective to 10.39m (34.09ft). Staff are of the opinion that the requested height variance is minor in nature and keeps the massing within an appropriate scale.

Variance 4 requests an increased garage floor area. The intent in restricting the size of an attached garage is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space, rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. The proposed garage would facilitate 2 rows of 2 cars, providing a total of 4 parking spaces. The façade of the proposed garage does not present as excessive car garage face as it will appear as a normal 2 car garage from the streetscape perspective. The combination of garages' design, coupled with the property's configuration results in this portion of the structure being appropriately concealed from a streetscape perspective. Staff are satisfied that both garage spaces are appropriately sized for both the lot and the dwelling.

Variance 5 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the design of the dwelling includes a front covered porch which reduces the appearance of the garage projection. Staff are satisfied that the projected porch minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Variance 6 requests an increased dwelling depth. The intent of the provision is to minimize the massing impacts of long walls on neighbouring lots. Staff note that the variance being sought is 0.83m (2.72ft) beyond the maximum dwelling depth. Staff are satisfied the increase in dwelling depth is negligible and does not create any massing or streetscape impacts due to the variance being for minor.

Variance 7 requests a secondary kitchen within the dwelling. The intent of the restriction on second kitchens is to restrict the creation of second dwelling units. Given the as of right changes to municipal policies and Provincial legislation regarding three and four unit dwellings, the additional kitchen is consistent with the intent of the by-law and is considered to be minor in nature.

Given the above, Planning staff are satisfied that the application maintains 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?**

Planning staff are of the opinion that the proposal represents appropriate development of the subject property, it is in line with the existing neighbourhood and will therefore have minimal impacts to the abutting properties.

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 proposed dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-25/5821.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 25-5821. Based on review of the information available in this application, we advise that following additional variance is required:

7. A dwelling unit proposing two kitchens; whereas By-law 0225-2007, as amended, permits a maximum of one kitchen 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: Andrea Patsalides, Planner

### 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/>.

Please be advised the lands to the rear of the property are classified as Significant Natural Area (known as site CL22) within the City's Natural Heritage System and zoned R2-5. 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:

- 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...;

Based on the description of the relief required from the zoning by-law outlined, the proposed minor variances are not expected to impact the natural heritage features or associated setbacks. On this basis, Community Services – Forestry, have no objections to the requested minor variances. Should the application be approved, Community Services – Forestry provides the following recommendations:

- In an effort to maintain and enhance the natural heritage features present within the rear of the property, Forestry recommends that any required landscaping adjacent to the natural features should only include native species that are common to the local watershed and appropriate for the site conditions. We recommend that selection of seed mix and trees/shrubs be supported by reviewing the following guidelines prepared by the Credit Valley Conservation Authority (CVC):
  - Credit Valley Conservation Authority. (2018). Plant Selection: Species List for Planting Plans within the Credit River Watershed. Link: <https://cvc.ca/document/plant-selection-guideline-species-list-for-planting-plans-within-the-credit-river-watershed/>

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:** A-23-429M / 1330 Oak Lane

Development Engineering: Brian Melnyk (905)-791-7800 x3602

**Comments:**

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- 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)
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@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 [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.
- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy **2.14.18** of the Regional Official Plan (ROP). NACs are



to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

- The subject land is located within a Core Woodland of the Greenlands System in Peel as identified under policy **2.14.12** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with certain exceptions (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

### **Appendix 5- Credit Valley Conservation Comments**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 5.1 and 5.2 of the *Provincial Planning Statement* (2024);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process.
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

### **CVC REGULATED AREA**

Based on our mapping, the subject property is regulated due to the flood and slope hazards associated with Lornewood Creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

### **PROPOSAL:**

It is our understanding that the applicant is requesting the Committee of Adjustments to approve a minor variance to allow the construction of a new house proposing:

1. A combined side yard width of 9.30m (approx.. 30.51ft) whereas By-law 0225- 2007, as amended, requires a minimum combined side yard width of 12.34m (approx.. 40.49ft) in this instance;

2. A height to the highest ridge of 11.59m (approx.. 38.04ft) whereas By-law 0225- 2007, as amended, permits a maximum height of the highest ridge of 9.50m (approx.. 31.17ft) in this instance;
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6. A dwelling depth of 20.83m (approx.. 68.34ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx.. 65.62ft) in this instance.

**COMMENTS:**

As the property is located within a CVC Regulated Area, the applicant completed the CVC permit process for the construction of a new house and a CVC permit (FF24/287) was issued on December 13th, 2024.

**CONCLUSION:**

Based on the above, CVC staff has no objection to the approval of the requested severance application by the Committee until the above concerns have been addressed to the satisfaction of CVC.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at [stuti.bhatt@cvc.ca](mailto:stuti.bhatt@cvc.ca) or 905-670-1615 (ext. 3500) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner