

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-04-17	File(s): A83.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2025-04-24

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 dwelling proposing:

1. A lot coverage of 31.53% (278.14sq. m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (222.66sq. m) in this instance;
2. A front yard setback of 10.50m (approx. 34.45ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
3. A combined width of side yards of 4.97m (approx. 16.31ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.03m (approx. 19.78ft) in this instance;
4. A gross floor area – infill residential of 493.49sq m (approx. 5,311.88sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 366.43sq m (approx. 3,944.22sq ft) in this instance; and
5. A height of eaves of 6.95m (approx. 22.80ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is processing Building Permit application BP 9NEW 25-6263. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. A lot coverage of 29.9%% (263.81sq. m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (222.66sq. m) in this instance;

4. A gross floor area – infill residential of 464.66sq m (approx. 5,001.56sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 366.43sqm (approx. 3,944.22sq ft) in this instance; and

6. A height of a flat roof of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 7.50m (approx. 24.61ft) in this instance.

Note: The height variance was not included on initial examiner review. Original height was not revised on the resubmitted drawings.

Variances #2, #3 and #5 are correct:

Notwithstanding the above, Planning staff received revised drawings from the applicant on April 11, 2025. As such, variances for lot coverage and gross floor area need to be further amended:

#1 A lot coverage of 28.82%% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;

#4 A gross floor area – infill residential of 446.73sq m (approx. 5,001.56sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 366.43sqm (approx. 3,944.22sq ft) in this instance; and

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend that a condition be added to tie approval to the submitted drawings and to permit the variance for a two-storey dwelling only.

Background

Property Address: 399 Country Club Cres

Mississauga Official Plan

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

Zoning By-law 0225-2007

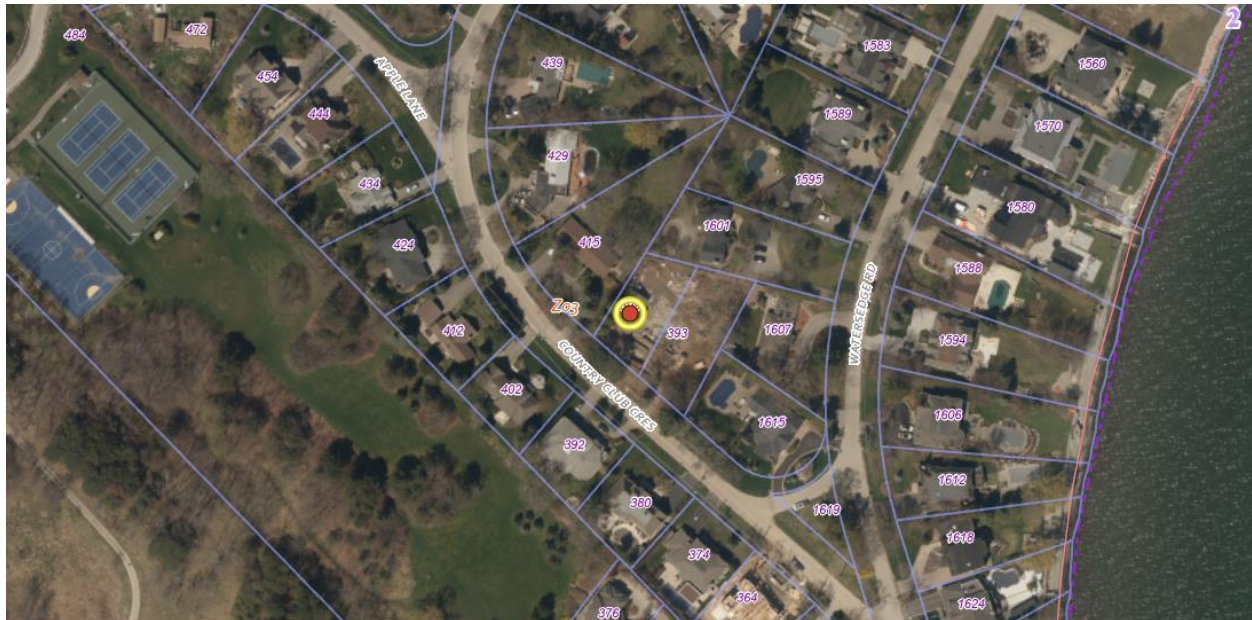
Zoning: R1-2 Residential

Other Applications: Building Permit application BP 9NEW 25-6263

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood, southeast of the Southdown Road and Lakeshore Road West intersection. The immediate neighbourhood is entirely residential, consisting of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property is a result of a severance and is currently vacant.

The applicant is proposing a new two-storey dwelling requiring variances for lot coverage, gross floor area, combined width of side yards, front yard setback, eave height and dwelling height.



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 Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits only detached dwellings in this instance. Section 9 of the 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 proposed dwelling is a permitted use and possesses a built form consistent with the planned character of the area. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. 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?

Staff note that through the original zoning review under the building permit application, Zoning staff missed a variance pertaining to dwelling height. Staff note that no changes have been made to the elevation since the original submission. As such, a variance needs to be added for overall dwelling height.

Further, the applicant has worked with Planning staff to reduce the dwelling's massing. Variances for lot coverage and GFA have been reduced. Staff comments below pertain to the revised numbers.

Variance #1 pertains to lot coverage and Variance #4 requests an increase in the gross floor area (GFA). 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. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. In this instance the proposed dwelling's footprint represents 26.4% of the total lot coverage, while the sunken terrace represents an additional 1.81%; and front porch an additional 0.6%. It is staff's opinion that these elements have little to no massing impacts on abutting properties and the community as a whole. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property. Staff are of the opinion that the gross floor area request represents an increase that is in line with new builds in the surrounding area and will not create a significant massing impact. Staff are satisfied that the proposal is sympathetic to both the planned character of the area and existing dwellings. Additionally, staff note that the dwelling meets the individual side yard setback requirements, and the dwelling depth is within the permissible regulations, which further mitigate massing impacts.

Variance #2 requests a reduction in the front yard setback. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The dwelling is not parallel to the lot line and as such, the required variance is only for a pinch point at the north-west corner. Staff note that the majority of the dwelling maintains the required front yard setback. Staff are satisfied that the reduction is consistent with other dwellings found in the neighbourhood and maintains the streetscape.

Variance #3 pertains to combined width of side yards. 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. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed dwelling provides adequate individual side yard setbacks for both the sides, meeting the by-law requirement and maintains an adequate buffer between properties. 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.

Variance #5 requests an increase in eave height and Variance #6 pertains to overall dwelling height. The intent of restricting height of the eaves is to lessen the visual massing of the dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling as compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Regulating the flat roof height also prevents a third storey as of right due to a combination of maximum permitted height and its architectural style.

Staff note that the definition of a flat roof height changed on October 13, 2023, with the adoption of By-Law Number 0158-2023. The 'Flat Roof' definition has been updated to a roof where 35% or more of the total roof area has a roof angle of less than 15° above the horizontal, instead of the previous 50%. The intent behind changing the definition was to limit roofs which have the appearance of a flat roof but are permitted the greater height permissions of a sloped roof. As such, this variance was identified by Zoning staff based on this technical interpretation.

Staff note that while the applicant requires a flat roof variance due to the definition of a flat roof and the design, the roof appears to be a sloped roof when viewed from the street. The proposed dwelling is 2 storeys in height, and staff are of the opinion that the proposed increase in height is minor. As such, staff are satisfied that the variance is technical in nature. Additionally, the varying rooflines help mitigate 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 poses no massing concerns on abutting properties. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area. Further, 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.

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 will be addressed by our Development Construction Section through Building Permit BP 9NEW-25/6263.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 25-6263. Based on review of the information available in this application, we advise that following amendments are required:

1. A lot coverage of 29.9%% (263.81sq. m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (222.66sq. m) in this instance;
 4. A gross floor area – infill residential of 464.66sq m (approx. 5,001.56sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 366.43sqm (approx. 3,944.22sq ft) in this instance; and
 6. A height of a flat roof of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 7.50m (approx. 24.61ft) in this instance.
- Note: The height variance was not included on initial examiner review. Original height was not revised on the resubmitted drawings.

We also advise that the following variances are correct:

2. A front yard setback of 10.50m (approx. 34.45ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;

3. A combined width of side yards of 4.97m (approx. 16.31ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.03m (approx. 19.78ft) in this instance;

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Please note that comments reflect those provided through the above application submitted 04/08/2025. 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.

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

Comments:

- Installation of and alterations to property line water valves and chambers and sanitary sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design, standards specification and procedures.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design criteria. For more information, please contact Servicing Connections at (905) 791-7800 x7973 or by email at servicingconnections@peelregion.ca.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure, please contact Records at (905) 791-7800 x7993 or by e-mail PWSERVICERequests@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner