



Committee of Adjustment

The following staff reports are current as of February 26th, 2020 at 2:00pm.

Any staff reports received after this time may be obtained by
emailing committee.adjustment@mississauga.ca

Please note: resident comments are not posted online and may be obtained by
emailing the above.

Location: COUNCIL CHAMBERS
Hearing: MARCH 05, 2020 AT 1:30 P.M.

1. NEW ITEMS CALL TO ORDER
2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST
3. REQUESTS FOR WITHDRAWAL/DEFERRAL

NEW APPLICATIONS (CONSENT)

File	Name of Applicant	Location of Land	Ward
B-15/20 A-81/20 A-82/20	DOROTHY BRITNELL	1043 LORNE PARK RD	2

DEFERRED APPLICATIONS (CONSENT)

NONE

NEW APPLICATIONS (MINOR VARIANCE)

File	Name of Applicant	Location of Land	Ward
A-78/20	JESSICA & MANDEEP SACHDEVA	494 ATWATER AVE	1
A-79/20	BESHARA BESHAY & EMAN MOHAMMAD	3104 HAWKTAIL CRES	10
A-80/20	BOHDAN & ANNA LESIW	4280 GREYBROOK CRES	3

DEFERRED APPLICATIONS (MINOR VARIANCE)

File	Name of Applicant	Location of Land	Ward
A-421/19	MIROSLAWA KOT & MYKOLA PONOMARENKO	4269 GOLDEN ORCHARD DR	3

Note: If you wish to receive a copy of the Committee's decision, please complete the form entitled "Request for Written Notice of Decision". This form is located on the table adjacent to the entrance doors to your right. (Please do not remove that form from the table. Thank you.)

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-02-26	File(s): B15/20 A81/20 & A82/20
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-05

Consolidated Recommendation

The City does not object to the requested consent and associated minor variance applications. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 13.69m (44.91ft) and an area of approximately 1037.60sq.m (11,168.63sq.ft).

A minor variance has been requested for the Severed lands (A81/20) proposing:

1. A lot frontage of 13.69m (approx. 44.91ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance;
2. A dwelling depth of 20.03m (approx. 65.72ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. A southerly side yard measured to the first and second stories of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum southerly side yard measured to the first and second stories of 2.41m (approx. 7.91ft) in this instance;
4. A combined width of side yards of 3.62m (approx. 11.88ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.696m (approx. 12.13ft) in this instance; and
5. A height measured to the eaves of 6.48m (approx. 21.26ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

A minor variance has been requested for the Retained lands (A82/20) proposing:

1. A lot frontage of 13.69m (approx. 44.91ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance;

City Department and Agency Comments	File: B15/20, A81/20 & A82/20	2020/02/26	2
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2. A dwelling depth of 20.03m (approx. 65.72ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. A northerly side yard measured to the second storey of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum northerly side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance;
4. A southerly side yard measured to the second storey of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum southerly side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance;
5. A combined width of side yards of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.696m (approx. 12.13ft) in this instance; and
6. A height measured to the eaves of 6.47m (approx. 21.23ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A81/20 & A82/20 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A81/20 & A82/20 shall lapse if the consent application under file B15/20 is not finalized within the time prescribed by legislation.

Background

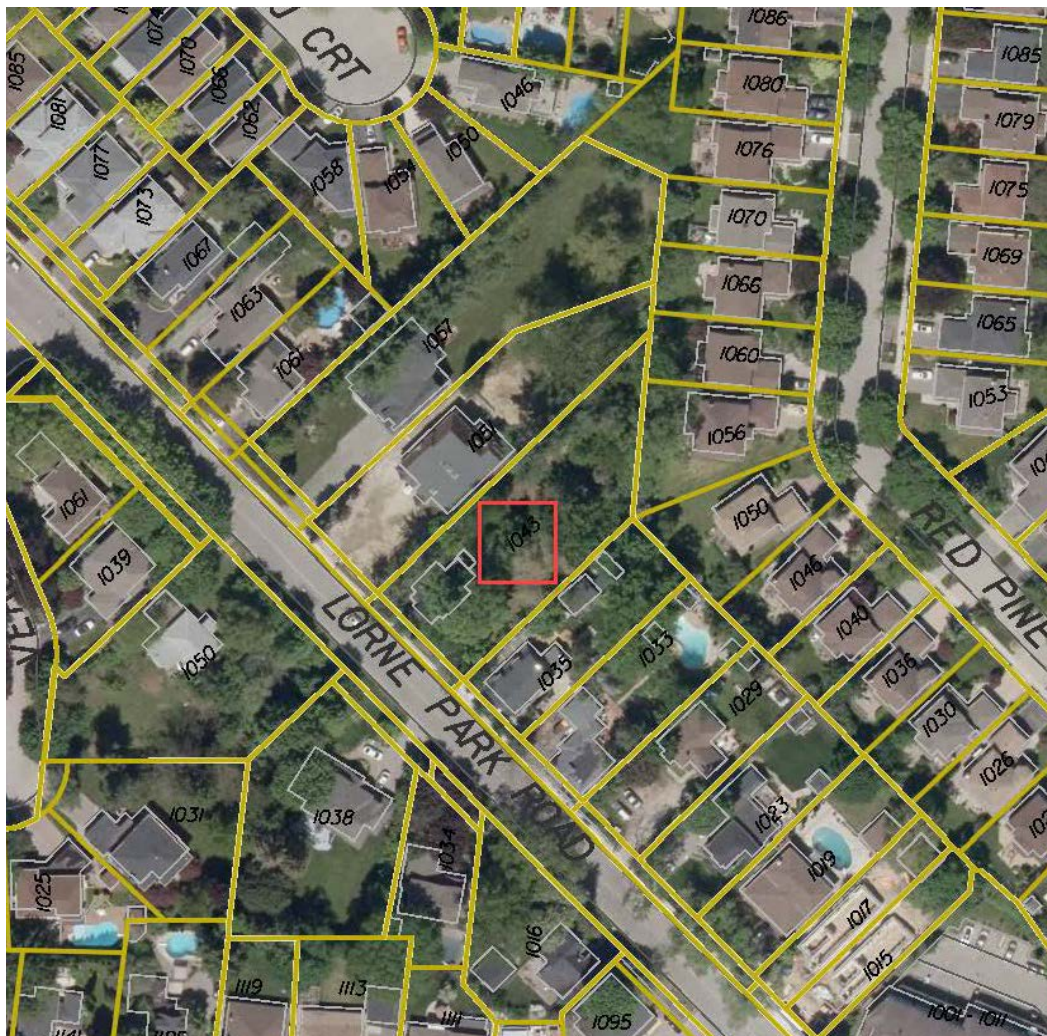
Property Address: 1043 Lorne Park Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-1 (Residential)



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the minor variance applications are as follows:

The retained and severed lot proposes a lot frontage of approximately 13.69 m and lot area of approximately 1,037.60 m². The R2-1 (Residential) zone requires lot frontages of 18 m and a lot area of 695 m².

The subject property is designated "Residential Low Density II" in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. As per Section 16.1.2.1, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. Furthermore, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area. In this instance, the immediate area consists of lots frontages ranging from 9.65 m to 25 m and greater. The subject property is also within 120 m of more intensified form of development which includes a block of townhouse units. Although the proposed frontages are deficient to the zoning by-law, the proposal represents sensitive intensification that is compatible with the surrounding neighbourhood and contributes to the varying lot fabric of the community. Recognizing that

intensification does not have to mirror existing development, the proposed severance is sensitive to the existing and planned character of the neighbourhood and will not result in significant adverse impacts to the community.

Staff is of the opinion that the application conforms to Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan and that the proposed lots are appropriate to be severed for the purpose of developing detached dwellings.

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

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 site is suitable to accommodate gentle intensification and the proposed homes fit within the vision for the larger area as a neighbourhood of ground related residential homes. The proposed detached dwellings respect the designated land use, and have regard for the distribution of massing on the property as a whole. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Minor variance applications "A" 81/20 and "A" 82/20 propose lot frontages of 13.69 m whereas 18 m is required. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The proposed lot frontages generally maintain the existing and planned area context. The proposal is consistent with lots within the immediate area by maintaining the lot fabric of the surrounding neighbourhood. Furthermore, the proposed lots can accommodate detached dwellings that are in keeping with the character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2 on both applications propose a dwelling depth of 20.03 m whereas a maximum of 20 m is permitted. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. The proposed dwelling depth will not create any additional undue impact regarding massing to neighbouring lots due to the minor deviation from the by-law and will not result in a long continuous wall. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances number #3 and 4 on application "A" 81/20 and variances #3-5 on application "A" 82/20 propose reduced interior side yards and combined width of side yards. 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, and that access to the rear yard ultimately remains unencumbered. In this instance, only the southerly side yard of the severed parcel and northerly side yard of retained parcel proposes a 1.21 m side yard. The proposed reductions maintain a sufficient buffer to neighbouring properties and preserves access to the rear yard. Furthermore,

the immediate neighbourhood is characterized by similar deficiencies; as a result, the proposal will not negatively impact the character streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Regarding the increased height to eaves, the intent of this portion of the by-law eaves is to lessen the visual massing of dwelling while bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. In this instance, the proposed variances represent an insignificant increase from what the zoning by-law permits and will not negatively impact the character streetscape. Additionally, a majority of the eaves maintain a height less than the maximum permitted in the by-law as the increased eave height is due to the proposed dormers. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed applications represent sensitive intensification within the Clarkson-Lorne Park Neighbourhood Character Area. Although neighbourhoods are identified in MOP as non-intensification areas, this does not mean they will remain static or that new development must imitate previous development patterns, but rather when development occurs, it should be sensitive to the existing and planned character. The proposed frontages are compatible with the surrounding area and lot fabric. The reduced side yards maintain sufficient buffer to neighbouring lots and preserves access to the rear yard and reflects the existing character of the immediate neighbourhood. The proposed increased height and dwelling depth is a minor deviation from the zoning and will not impact the character streetscape or add significant massing to neighbouring properties. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to verify the variances and ensure that additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Upon the review of an Overall Grading and Drainage Plan it may be determined that a catch basin may be required and satisfactory arrangements will have to be made for the construction of any required catch basin.

Where existing sewer capacity exists applicants are encouraged to design the basement elevation to be at least 1.0 metre above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 metre above the seasonal groundwater elevation.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading

compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. Access to the proposed lots will be addressed through the Site Plan process.

4. Storm Sewer Outlet

The applicant is advised that storm sewer outlet for the property is the existing 750mm dia. Storm Sewer on Lorne Park Road.

Where existing sewer capacity exists applicants are encouraged to design the basement elevation to be at least 1.0 metre above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 metre above the seasonal groundwater elevation.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition are being addressed through the Consent Application, File 'B' 15/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

City Department and Agency Comments	File: B15/20, A81/20 & A82/20	2020/02/26	9
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Appendix 2 – Zoning Comments

This Division notes that a building permit application and a site plan approval application are required. In the absence of one of these permit applications we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Parks, Forestry and Environment

The Park Planning Section of the Community Services Department has reviewed the above noted consent application and advises as follows:

Should the application be approved, Community Services wishes to impose the following condition:

1. The applicant shall provide a cash contribution of \$1,768.32 for the planting of three (3) street trees on Lorne Park Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan process.
2. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga.
3. 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

City Department and Agency Comments	File: B15/20, A81/20 & A82/20	2020/02/26	10
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Appendix 4 – Region of Peel Comments

Consent Application: B-015/20

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

City Department and Agency Comments	File: B15/20, A81/20 & A82/20	2020/02/26	11
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Appendix A – Conditions of Provisional Consent

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A"81/20 & "A"82/20)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 26, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 26, 2020.

Lot Creation

- a. The variance application approved under File(s) A81/20 & A82/20 must be finalized.

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-02-26	File(s): A78/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-05

Consolidated Recommendation

The City does not object to the requested variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition and accessory structure proposing:

1. A front yard measured to the dwelling of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
2. A front yard measured to the front porch of 4.95m (approx. 16.24ft) 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;
3. A centre line setback measured from the midpoint of Atwater Avenue to the nearest part of any building or structure (edge of front porch stairs) of 15.15m (approx. 49.70ft) whereas By-law 0225-2007, as amended, requires a minimum centre line setback measured from the midpoint of Atwater Avenue to the nearest part of any building or structure of 17.50m (approx. 57.41ft) in this instance;
4. A driveway width of 6.99m (approx. 22.93ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
5. A combined width of side yards measured to accessory structures of 0.99m (approx. 3.25ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.93m (approx. 16.17ft) in this instance;
6. An interior side yard measured to an accessory structure (new shed) of 0.39m (approx. 1.28ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of measured to an accessory structure of 1.80m (approx. 5.91ft) in this instance;
7. An interior side yard measured to an accessory structure (existing shed) of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to an accessory structure of 1.80m (approx. 5.91ft) in this instance;
8. An interior side yard measured to a pergola of 0.39m (approx. 1.28ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a pergola of 1.80m (approx. 5.91ft) in this instance; and

9. A combined area of accessory structures of 39.04sq.m (approx. 420.22sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance.

Background

Property Address: 494 Atwater Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

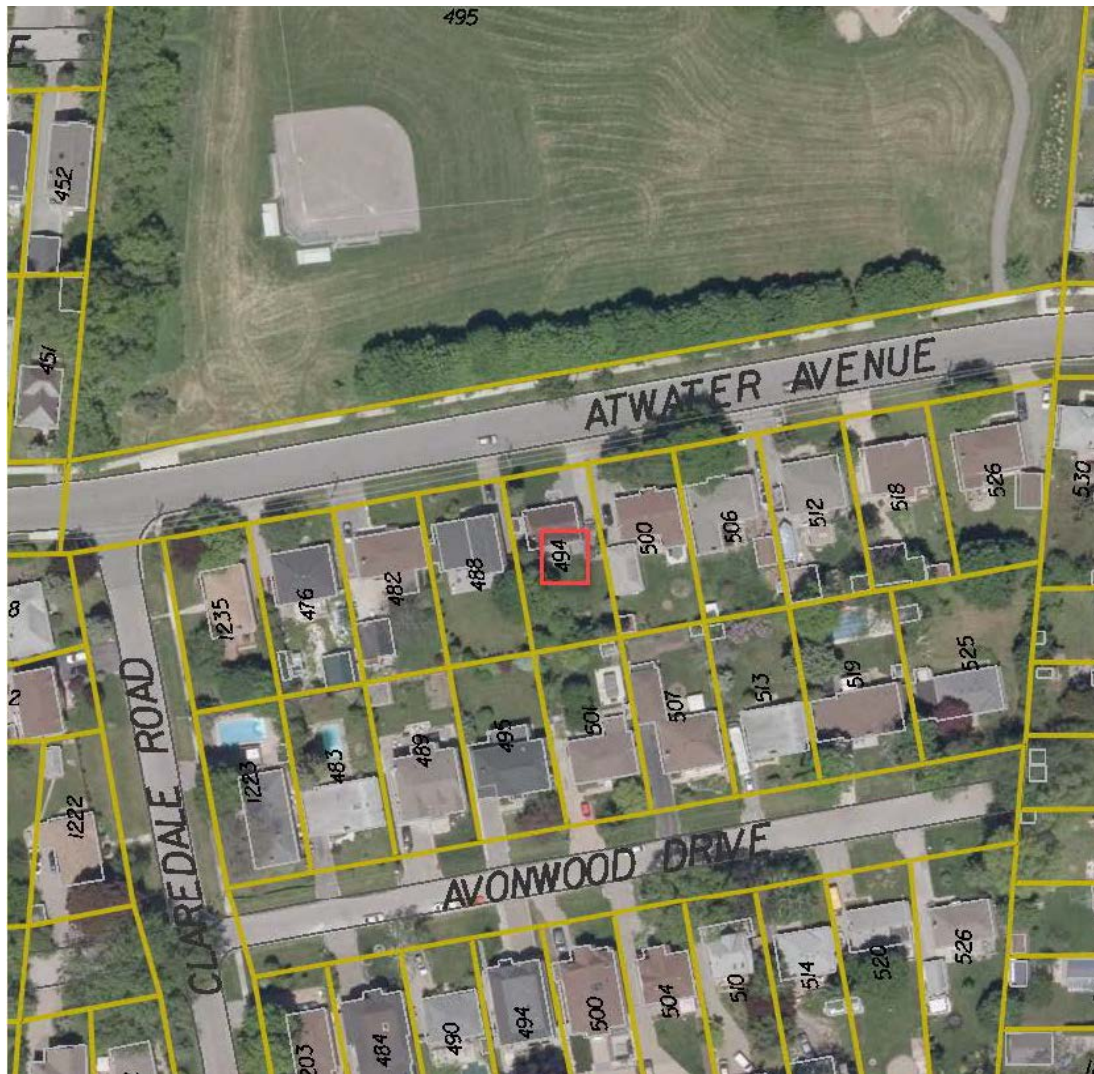
Zoning: R3-1 (Residential)

Other Applications

Site Plan Application: 19-83

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra Road and Atwater Avenue. The neighbourhood consists of one and two storey detached dwellings with little mature vegetation. The subject property contains an existing one and half storey dwelling with little mature vegetation along the interior side yards. The application proposes an addition and accessory structures, requiring variances related to front yard setbacks, driveway width and side yards and total area for accessory structures.



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 II” in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and

other forms of low rise dwellings with individual frontages. As per Section 9.5.1.1 (Context) of MOP, buildings and site design will be compatible with site conditions, the surrounding context and landscape of the existing or planned character of the area. The proposed addition generally maintains a consistent streetscape and will not negatively impact the surrounding neighbourhood. The proposed accessory structures maintain the residential designation and remain accessory to the primary principle residential use. Furthermore, the application has regard for the distribution of massing on the property as a whole. Staff is of the opinion that the application maintains the general intent and purpose of the official plan.

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

Variances #1 and 2 proposes deficient front yard setbacks measured to the dwelling and front porch. 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. In this instance, the front yard setbacks are only measured to the new entry feature and covered porch. The remaining portion of the dwelling maintains a front yard setback of 8.16 m, greater than the minimum requirement contained within the by-law. The new entry feature makes up a small portion of the main face of the dwelling and the covered porch is open on all sides, mitigating any potential impact of an inconsistent streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a centreline setback of 15.15 m whereas a minimum of 17.50 m is required. The intent of this portion of the by-law is to ensure that any proposed construction will not come at the expense of a potential road widening. The proposed setback is measured to the front porch stairs. If the setback was taken from the main face of the dwelling, there would be a centreline setback of 18.39 m, greater than what the by-law requires. Through discussions with the Transportation and Works Department, the proposed setback is sufficient in accommodating a road widening, should one be required in the future. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes a driveway width of 6.99 m whereas 6 m is permitted. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. In this instance, the driveway width is measured from the widest point and does not maintain a continuous width of 6.99 m throughout the entire length of the driveway, preserving a sufficient amount of soft landscaping within the front yard. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances relate to the existing and proposed accessory structures. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling. Furthermore, the accessory structures are clearly accessory to the dwelling and do not present any massing concerns to neighbouring lots. Due to the location of the accessory structures, the required setback for an accessory structure is increased as they are located in the interior side yards of the dwelling, rather than the rear yard

which would require a setback of 0.61 m. The proposed accessory structures located on the easterly interior side yard is adjacent to a property which contains a detached garage in the general location of the proposed structures. As a result, despite having a deficient setback, any massing concerns from the structures to the neighbouring property will be mitigated.

Furthermore, the proposed structures have a height less than the permitted 3 m within the by-law and the pergola is open on all sides, further mitigating any potential massing concerns.

Regarding the existing structure on the westerly interior side yard, the structure has a total area of 5.47 m² and height of 2.67 m, also less than what the zoning by-law permits. Staff is of the opinion that the structure is sufficiently separated and does not present any significant massing concerns to the neighbouring property. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed front yard setbacks are measured to the new entry feature and covered porch. The remaining portion of the dwelling maintains a setback greater than what the by-law requires, maintaining a consistent streetscape. The proposed driveway width is measured from the widest point and does not continue throughout the entire length of the driveway, maintaining a sufficient amount of soft landscaping. The remaining variances relate to the deficient side yards and increased area of the accessory structures. The required side yards are a technicality due to the location of the accessory structures being located within the interior side yard of the dwelling, rather than the rear yard which only requires a setback of 0.61 m. The proposed structures are sufficiently setback from adjacent properties and will not present any additional concerns related to massing. The proposed addition and accessory structures maintain the existing and planned character of the neighbourhood. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variances.

Comments Prepared by: Lucas Petricca, 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 are being addressed through the Site Plan Application process, File SPI-19/083.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 19-83. Based on review of the information currently available for this application, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid.

Comments Prepared by: Ramsen Hedoo, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-421/19

Minor Variance Applications: A-078/20, A-079/20, A-081/20, A-082/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-02-26	File(s): A79/20 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-05

Consolidated Recommendation

The City has no objection to the variance, as requested.

Application Details

The Applicants request the Committee to approve a minor variance to allow the existing basement walkout to remain, proposing an easterly side yard of 0.23m (approx. 0.75ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance.

Background

Property Address: 3104 Hawktail Crescent

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM1-14 (Residential)

Other Applications:

Building Permit: 19-9228

Site and Area Context

The subject property is located south-west of the Britannia Road West and Winston Churchill Boulevard intersection, and currently houses a two-storey semi-detached dwelling, with attached carport. Contextually, the immediate area is comprised predominantly of semi-detached structures of a shared contemporary architectural style; however, townhouse units are also present. The subject property is an interior parcel, with a lot area of +/- 231.4m², and a lot frontage of +/-8.9m.

The Applicant is proposing to legalize the constructed below-grade entrance for the existing semi-detached structure.



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 site is located within the Churchill Meadows Neighbourhood Character Area, and designated Residential Medium Density by the Mississauga Official Plan (MOP). The Residential Medium Density designation permits all forms of townhouse 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 property will continue to be used for residential purposes. The proposed below-grade entrance respects the designated residential land use, and has regard for the distribution of massing on the property as a whole. The variance, as requested, meets the purpose and general intent of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned RM1-14 (Residential). Pursuant to Table 4.1.5.8 (Encroachments and Projections), the General Provisions for Residential Zones permits a below-grade entrance within the rear and interior side yards, provided that the minimum setback is 1.2m. The intent of this portion of the Zoning By-law is to ensure that an adequate buffer exists between the massings of primary structures on adjacent properties, and that access to the rear yard ultimately remains unencumbered. Notwithstanding the requested setback relief, the Applicant's proposal of a below-grade entrance, located within the interior side yard, is permitted as-of-right. As is the case with the majority of below-grade entrances, Planning Staff note the absence of any true massing or construction resulting from the proposal. Further, while the 0.23m setback to the side lot line is inherently limiting; access to the rear yard nevertheless remains unencumbered due to the proposed design, which utilizes a 5 riser up / 5 riser down configuration. The variance, as requested, maintains the purpose and general intent of the Zoning By-law.

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

The proposed below-grade entrance poses no significant massing within the interior side yard and results in no discernible impact upon the surrounding neighbourhood, as a whole. Additionally, the below-grade entrance only represents a small portion of the shared interior side yard, with access to the rear yard functionally remaining unaltered. As such, this application results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature;

and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as requested.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for Committee's information that the Grading Plan approved for this property depicts a split drainage pattern which means that the high point is approximately in the middle of the dwelling in the area where the entrance stairwell has been constructed. This department does not anticipate any drainage related concerns based on the existing drainage pattern of the lot.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-9228. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-421/19

Minor Variance Applications: A-078/20, A-079/20, A-081/20, A-082/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-02-26	File(s): A80/20 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-05

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The Applicants request the Committee to approve a minor variance to allow the existing rear deck to remain, proposing a lot coverage of 43% 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.

Amendments

- A lot coverage of 43% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 40% of the lot area, in this instance.

Background

Property Address: 4280 Greybrook Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

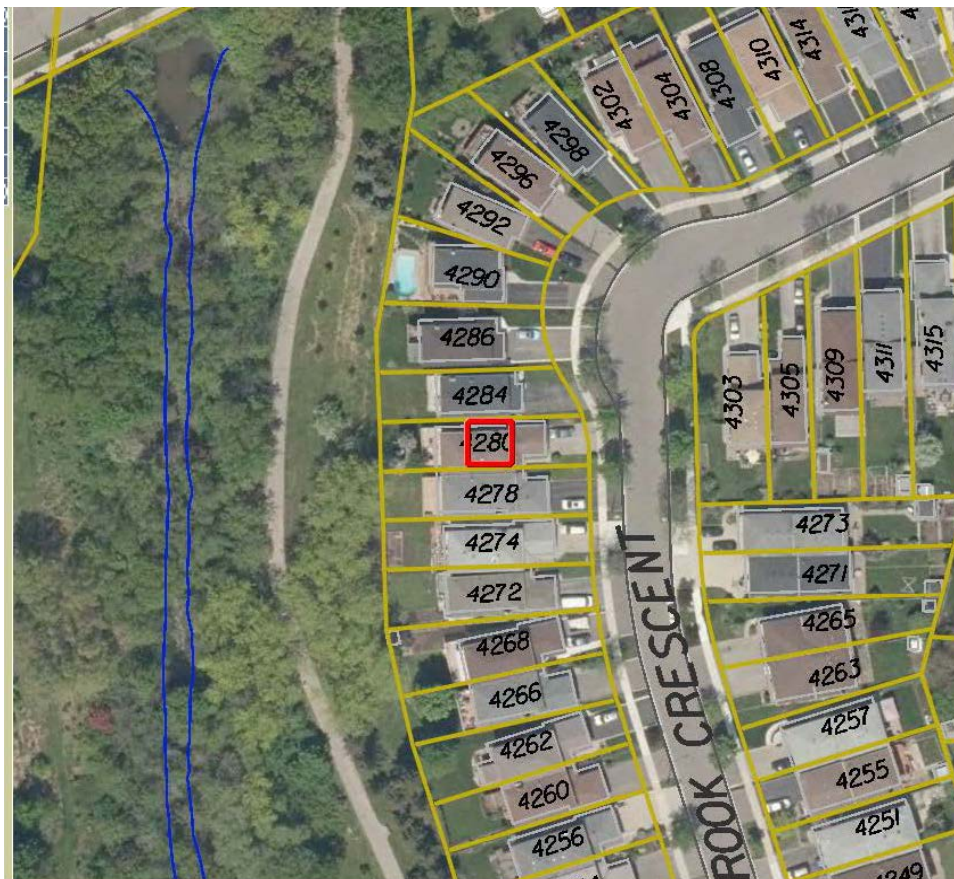
Zoning: RM1 (Residential)

Other Applications:

Building Permit: 18-4508

Site and Area Context

The property is located south-west of the Dixie Road and Eastgate Parkway intersection, and currently houses a two-storey detached dwelling with an attached two-car garage. The immediate neighbourhood is primarily detached dwellings; however semi-detached structures are also present within the immediate area. The area shares a 1980's architectural style, with an absence of new construction or replacement dwellings being present. The properties within the immediate area possess lot frontages of +/-9.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of approximately 350m² and a frontage of 9.18m.



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:

Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Planning Staff would note, Committee granted similar approval to the neighbouring property of 4278 Greybrook Crescent; permitting a lot coverage 45.0% for an elevated deck, through Minor Variance Application 'A' 411/19.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the *Planning Act*. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no grading and drainage related concerns with the proposed rear deck.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 18-4508. Based upon review of this Application, Staff notes that the Application should be amended as follows, permitting:

- A lot coverage of 43% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 40% of the lot area, in this instance.

This Department further advises that more information is required to verify whether additional variance(s) will be required.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-080/20

Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). The Region relies on the environmental expertise of the TRCA for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 5 - Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on February 3, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*, the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS)*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

The purpose of this Minor Variance Application is to request a lot coverage of 43% 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.

It is our understanding that the purpose of the above variance is to allow the existing rear deck to remain.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 80/20.

Application Specific Comments**Ontario Regulation 166/06:**

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a valley corridor of Etobicoke Creek and its associated Regional Floodplain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the applicant was granted a permit by TRCA to recognize the development of a 28 sq.m. (304 (sq.ft.) deck located in the rear yard of an existing building on the subject property (Permit No. C-191123). Based on our review, it appears that the proposed works in this application are consistent with the approved permit. As such, TRCA staff have no concerns with the proposed variance, as currently submitted.

However, TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Lina Alhabash

Tel: (416) 661-6600, Ext.5657

Lina.Alhabash@trca.on.ca

Comments Prepared by: Lina Alhabash, Planner I

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-02-26 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A421/19 Ward 3
	Meeting date: 2020-03-05

Consolidated Recommendation

The City has no objection to the Variance 2, as requested; however, cannot support Variance 1, as requested.

Application Details

The Applicants request the Committee to approve a minor variance to allow a widened driveway on the subject property, proposing:

1. A driveway width of 8.20m (approx. 26.90ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft), in this instance; and,
2. A walkway attachment of 1.80m (approx. 5.91ft); whereas, By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft), in this instance.

Background

Property Address: 4269 Golden Orchard Drive

Mississauga Official Plan

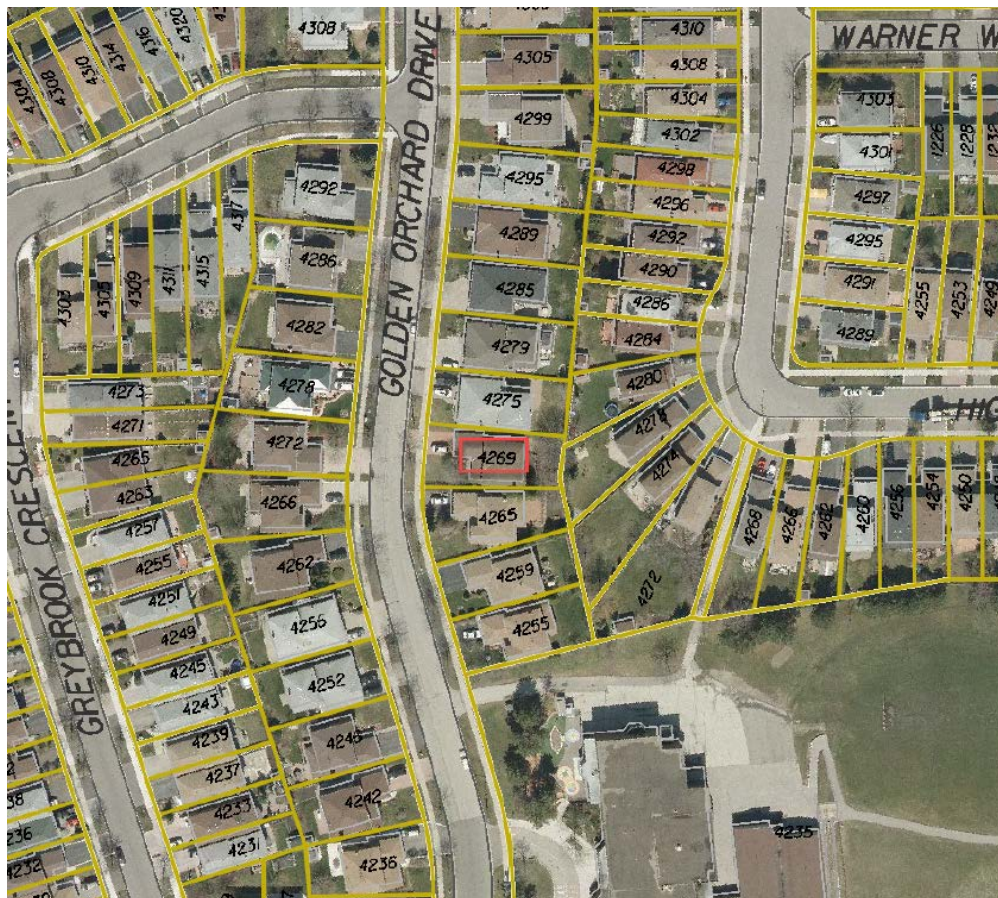
Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Site and Area Context

The subject property is located south-west of the Dixie Road and Eastgate Parkway intersection and houses a detached dwelling with a double car garage. The immediate neighbourhood consists primarily of detached dwellings; however, semi-detached structures are also present. The properties within the immediate area possess a lot frontage of +/-16.9m. The subject property is an interior parcel, with a lot area of approximately 580m², and a lot frontage of 16.9m.



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 site is situated within the Rathwood Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways, with the remainder of lot frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, at its widest point, represents a significant amount of hardscaping, which is not reflective of the planned context. The proposal does not meet the general intent or purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?Variance 1 (Driveway)

As per Zoning By-law 0225-2007, the subject property is zoned R3 (Residential). Pursuant to Table 4.2.1 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas the Applicant is proposing 8.2m. The intent of the Zoning By-law is to permit a driveway wide enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side. Variance 1, as requested, does not meet the purpose or general intent of the Zoning By-law.

Variance 2 (Walkway Attachment)

Planning Staff note, the requested relief is set to occur on the south side of the structure, linking the driveway to the front-facing patio.

Pursuant to Section 4.1.9.2.1 (Driveways and Parking), the Zoning By-law permits a 1.5m walkway attachment on each side of a driveway. The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. While the 1.8m requested is larger than what the by-law contemplates; it is not large enough to allow for vehicular access. Variance 2, as requested, meets the purpose and general intent of the Zoning By-law.

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

Due to the pie-shaped nature of the lot which narrows towards the rear, the subject property has a practical frontage of +/-17.3m when measured directly at the street. The proposed driveway width therefore represents less than half the property's frontage (47.3%) when viewed from a streetscape perspective. Staff note the proposed driveway remains suitably setback from the

neighbouring properties (1.8m and 6.4m, respectively) and that ample green space / amenity area is maintained, with no variances required pertaining to soft-landscaping reductions. While the proposed driveway is not overly egregious in relation to either the size or configuration of the property, Planning Staff cannot, in principle, support a driveway width large enough to accommodate three vehicles parked side-by-side upon the subject lands in this instance.

Conclusion

Based upon the preceding information, Planning Staff has no objection to the Variance 2, as requested; however, cannot support Variance 1, as requested.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Department notes that a Building Permit application is not required. In the absence of a Building Permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-421/19

Minor Variance Applications: A-078/20, A-079/20, A-081/20, A-082/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Prepared by: Tracy Tang, Junior Planner