

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A219.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 3:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances. However, the applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A lot coverage of 36.72% 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;
2. An encroachment of a front porch inclusive of stairs into a required front yard of 2.6m (approx. 8.53ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.6m (approx. 5.25ft) in this instance;
3. A northwesterly side yard measured to the second and third storeys of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second and third storeys of 2.42m (approx. 7.94ft) in this instance;
4. A southeasterly side yard measured to the second and third storeys of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second and third storeys of 2.42m (approx. 7.94ft) in this instance; and
5. A storage room within a garage whereas By-law 0225-2007, as amended, does not permit a storage room within a garage in this instance.

## Background

**Property Address:** 879 Aviation Road

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

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, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the Lakeside Precinct of the South Residential Neighbourhood and are subject to the policies within the Lakeview Local Area Plan. Section 10.3 (Built Form Types) of the Local Area Plan, states new housing within Lakeview should maintain the existing character of the area. The proposed dwelling maintains the existing and planned context of the neighbourhood and does not significantly alter the streetscape character envisioned for the Lakeview Neighbourhood. Staff is of the opinion that the general and purpose of the official plan is maintained.

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

Variance #1 proposes a lot coverage of 36.72% whereas a maximum of 35% is permitted. The intent of the zoning by-law is to ensure there isn't overdevelopment of the lot. In this instance, the footprint of the dwelling including the eaves and floor projections, maintains a lot coverage of approximately 33%, which is less than the maximum permitted. The increased lot coverage is attributed to the covered porch which does not add any substantial massing to the dwelling. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 and 4 propose deficient side yards measured to the second and third storey. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. In this instance, the proposed setbacks of 1.21 m and 1.22 m measured to the third storey are only measured to a floor projection. The remaining portion of the third storey, maintains a setback of approximately 1.82 m. The floor projection represents a minor portion of the side walls and does not continue throughout the entire length of the third storey. The deficient setback measured to the second storey is a common characteristic throughout the neighbourhood and does not significantly impact the streetscape character. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances do not pose a negative impact to the streetscape of the neighbourhood and do not add any significant massing to the dwelling. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

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

The proposed dwelling maintains the existing and planned character of the neighbourhood and does not pose any significant impact to the character streetscape. The increase lot coverage is due to the covered porch which doesn't add any substantial massing to the dwelling. The reduced side yards are measured to the second storey, which is a common characteristic of the neighbourhood. The setback to the third storey is measured to a floor projection, impacting a small portion of the side facades. The remaining portion of the third storey maintains a setback of 1.82 m, preserving a sufficient buffer to the neighbouring properties and also reduces the massing of the dwelling. 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. However, the applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

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 dwelling will be addressed through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

## **Appendix 5 – Region of Peel Comments**

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

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.

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 [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Diana Guida, Junior Planner