

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A190.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred for redesign.

Application Details

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

1. A lot frontage of 12.19m (approx. 39.99ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance;
2. A lot coverage of 45.3% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% of the lot area in this instance;
3. A front yard of 3.0m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.0m (approx. 19.69ft) in this instance;
4. A front yard measured to the eaves of 2.7m (approx. 8.86ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 5.5m (approx. 18.04ft) in this instance;
5. A front yard measured to a garage canopy of 3.0m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a garage canopy of 5.4m (approx. 17.72ft) in this instance;
6. An exterior side yard of 3.0m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.0m (approx. 19.69ft) in this instance;
7. An exterior side yard measured to the eaves of 2.7m (approx. 8.86ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 5.5m (approx. 18.04ft) in this instance;
8. An exterior side yard measured to a porch of 0.8m (approx. 2.62ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to a porch of 4.4m (approx. 14.44ft) in this instance;
9. An exterior side yard measured to a porch canopy of 0.6m (approx. 1.97ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to a porch canopy of 5.4m (approx. 17.72ft) in this instance;
10. An interior side yard of 0.9m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 2.42m (approx. 7.94ft) in this instance;

11. An interior side yard measured to the eaves of 0.7m (approx. 2.30ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the eaves of 1.9m (approx. 6.23ft) in this instance;
12. An interior side yard measured to a window well of 0.3m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a window well of 1.8m (approx. 5.91ft) in this instance;
13. A height measured to the highest ridge of 11.8m (approx. 38.71ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the highest ridge of 9.5m (approx. 31.17ft) in this instance;
14. A mean building height of 10.7m (approx. 35.10ft) whereas By-law 0225-2007, as amended, permits a maximum mean building height of 9.5m (approx. 31.17ft) in this instance;
15. A height measured to the eaves of 9.4m (approx. 30.84ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.4m (approx. 21.00ft) in this instance;
16. A dwelling unit depth of 23.3m (approx. 76.44ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.0m (approx. 65.62ft) in this instance; and
17. A minimum landscaped (softscape) area of 28.6% of the exterior side yard whereas By-law 0225-2007, as amended, requires a minimum landscaped (softscape) area of 40% of the exterior side yard in this instance.

Background

Property Address: 995 Gardner Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Lakeshore Road East and Alexandra Avenue. The neighbourhood is primarily residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with no mature vegetation on-site.

The applicant is proposing a new three storey dwelling requiring variances related to lot frontage, lot coverage, front, exterior and interior side yard setbacks, height, soft landscaping 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 are as follows:

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 10.3 (Built Form Types) of the Lakeview Local Area Plan, new housing within Lakeview should maintain the existing character of the area. Additionally, 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 proposed variances individually and combined, present significant massing concerns to the neighbouring property and the streetscape as whole. The proposed dwelling is not compatible with new development and does not maintain the intent of the infill regulations within the zoning by-law. As such, staff recommends that the application be deferred for redesign.

Conclusion

The Planning and Building Department recommends that the application be deferred for redesign.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the information and sketches provided with this application. We advise that our Traffic Section cannot support the 'proposed' driveway moving closer to the intersection of Edgeleigh Avenue and Gardner Avenue. We recommend that the driveway remain in the existing location.



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: Daniel Grdasic, Planning Associate

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.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – CN Rail

Thank you for circulating CN the proposed applications mentioned in subject agenda. This is to confirm that we have reviewed the information and site locations. CN Rail has comments only with regards to the application addressed, 995 GARDNER AVE (A-190/21). CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- To consider noise insulating windows and doors, brick exterior siding and an air conditioning system,
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of the dwelling located within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR

will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Thank you and don't hesitate to contact me for any questions.

Comments Prepared by: Ashkan Matlabi, Senior Planner (CN Proximity)