

# City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A76.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## 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 37.55% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A front yard of 4.01m (approx. 13.16ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.60ft) in this instance;
3. A front yard measured to stairs of 4.82m (approx. 15.81ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to stairs of 5.90m (approx. 19.36ft) in this instance;
4. A setback measured to the garage face of 5.73m (approx. 18.80ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to the garage face of 7.50m (approx. 24.60ft) in this instance;
5. A building height measured to the highest ridge of 9.96m (approx. 32.67ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.16ft) in this instance; and
6. An area of balcony above an attached garage of 31.78sq.m (approx. 342.08sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of a balcony above an attached garage of 10.00sq.m (approx. 107.64sq.ft) in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff would note that the following variance should be added:

7. A flat roof height of 9.96m (approx. 32.68ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.5m (24.61ft) in this instance.

## Background

**Property Address:** 659 Beach Street

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** none

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Cawthra Road and Lakeshore Road East. The neighbourhood is residential, consisting primarily of one, two and three storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with vegetation in the front and rear yards.

The applicant is proposing a new three-storey dwelling, requiring variances related to lot coverage, front yards, building height and balcony area.

## 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, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located in the Lakeside Precinct in

the South Residential Neighbourhood and is subject to the policies within the Lakeview Local Area Plan.

Upon review of the proposal, staff discovered an additional variance is required (Variance #7) regarding a maximum flat roof height of 9.96m (32.67ft), when a maximum flat roof height of 7.5m (24.61ft) is permitted. The proposed dwelling contains multiple separate roofs, according to Zoning staff, when a proposal contains multiple separate roofs, each roof must comply with provisions set out in the zoning by-law. The intent in restricting height to the flat roof is to reduce the overall massing of the flat roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that were permitted to have a maximum height of 10.70m (35.15 ft), which can accommodate three storeys in the dwelling. The proposed dwelling does not meet the zoning by-law's intent, as the proposed height is able to accommodate three storeys.

While three-storey dwellings can be found within the neighbourhood, these dwellings predated the infill regulations that came into effect on April 4, 2016, which placed a maximum height of 7.5m (24.61ft) for flat roofs. This regulation was created to reduce overall massing impacts caused by three-storey flat roof dwellings.

Staff note additional variances may be required for setbacks to the second and third storeys of the proposed dwelling. Staff requested additional information from the applicant's agent via email on February 4, 2022, however, staff have not received a response from the applicant. Staff has no immediate concerns with the remaining variances.

Planning Staff recommend deferral of the application to permit the Applicant an opportunity to submit the requested materials and to redesign the proposal.

Comments Prepared by: Connor DiPietro, 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.

We note that a building permit application is 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