

# City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A77.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A side yard setback of 1.20m (approx. 3.94ft) on both sides whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A height of eaves of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
3. A dwelling height of 9.91m (approx. 32.51ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) in this instance; and,
4. A dwelling depth of 21.34m (approx. 70.01ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

## Background

**Property Address:** 1028 Orchard Road

### 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, northeast of Haig Boulevard and Lakeshore Road East. The immediate neighbourhood contains a mix of commercial, industrial and residential uses along Lakeshore Road East. Orchard Road primarily consists of residential uses in the form of one and two-storey detached dwellings and a seven-storey residential apartment. Lots with detached dwellings contain mature vegetation in the front yards. The subject property is a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for side yard setback, eave height, dwelling height 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 request are as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

Variance #1 pertains to setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variance #2 and 3 pertain to building and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling. By keeping the edge of the roof closer to the ground, it allows the dwelling to maintain a more human scale. Staff have no concerns with the proposed height variances, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as two roofs with varying heights and a staggered façade. Furthermore, the height variances are only required for small portions of one of the dwelling's roofs. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #4 pertains to dwelling depth. The intent of the dwelling depth zoning provision is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. The applicant is proposing a minor increase from the maximum permitted in the Zoning By-law. Furthermore, the northerly and southerly walls are staggered and contain a mix of materials and design features resulting in no massing issues.

Through a detailed review of the application, staff is of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process. The application raises no concerns of a planning nature.

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