

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A372.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 PM

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

1. An interior side yard setback of 1.23m (approx. 4ft) to the second floor(north) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.9ft) in this instance;
2. An interior side yard setback of 1.20m (approx. 3.9ft) to the second floor(south) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.9ft) in this instance;
3. A setback of 11.25m (approx. 36ft) to the railway right-of-way, whereas By-law 0225-2007, as amended, requires a setback of 30m (approx. 98ft) to the railway right-of-way in this instance; and
4. An interior side yard setback of 1.62m (approx. 5.3ft) to the third floor (south) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.42m (approx. 7.9ft) in this instance.

Background

Property Address: 1106 Westmount Avenue

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-2042.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Cawthra Avenue and Atwater Avenue intersection. The immediate neighbourhood is primarily residential, consisting of a mix of one and two storey-detached dwellings with vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a new three-storey detached dwelling requiring variances related to setbacks.



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 I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

The applicant is seeking four variances for setbacks to facilitate the development of a new three-storey detached dwelling. Variances #1, 2 and 4 pertain to interior side yard setbacks. Variances #1 and 2 propose the same setbacks to the second storey as the first storey. Staff note many detached dwellings in the immediate area contain the same setback to the first storey as the second storey. Therefore, the proposed setbacks are not out of character. Variance #4 is required for a reduced setback to the third storey of the dwelling. Staff note this is measured to a projecting dormer window. The rest of the third storey of the dwelling exceeds the minimum required setback.

Variance #3 pertains to a setback to a railway right-of-way. Staff note that the subject property does not directly abut the railway right-of-way. Furthermore, the existing dwelling has a lesser setback to the railway right-of-way than what is proposed. Therefore, staff is of the opinion that the impact of this variance is negligible.

It is staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, 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.

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 by our Development Construction Section through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-2042. Based on review of the information currently available in this permit application, variances # 1 and 2, as requested are correct.

We also advise that more information is required in order to verify the accuracy of the requested remaining variances or to determine whether additional variances will be required.

Please note that comments reflect those provided through the above permit application submitted on 05/20/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

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

Comments: 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 at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Comments Prepared by: Joseph Filice, Junior Planner

Appendix 4 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1106 Westmount Ave to allow the construction of a new detached single-family dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The

environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Harrison.Rong@Metrolinx.com with questions and to initiate the registration process.

Comments Prepared by: Harrison Rong, Project Coordinator