

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A384.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 1:00:00 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, as requested, 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. A lot coverage of 38.96% whereas By-law 0225-2007, as amended, permits a lot coverage of 35% in this instance;
2. A northern side yard setback of 1.235m (approx. 4.052 ft) to the second floor whereas By-law 0225-2007, as amended, permits a northern side yard setback of 1.81m (approx. 5.94 ft) to the second floor in this instance;
3. A northern side yard setback of 2.052m (approx. 6.732ft) to the third floor whereas By-law 0225-2007, as amended, permits a northern side yard setback of 2.42m (approx. 7.94ft) to the third floor in this instance;
4. A southern side yard setback of 1.2m (approx. 4.0ft) to the second floor whereas By-law 0225-2007, as amended, permits a southern side yard setback of 1.81m (approx. 5.94 ft) to the second floor in this instance; and,
5. A southern side yard setback of 1.957m (approx. 6.421ft) to the third floor whereas By-law 0225-2007, as amended, permits a southern side yard setback of 2.42m (approx. 7.94ft) to the third floor in this instance.

Background

Property Address: 1042 West Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

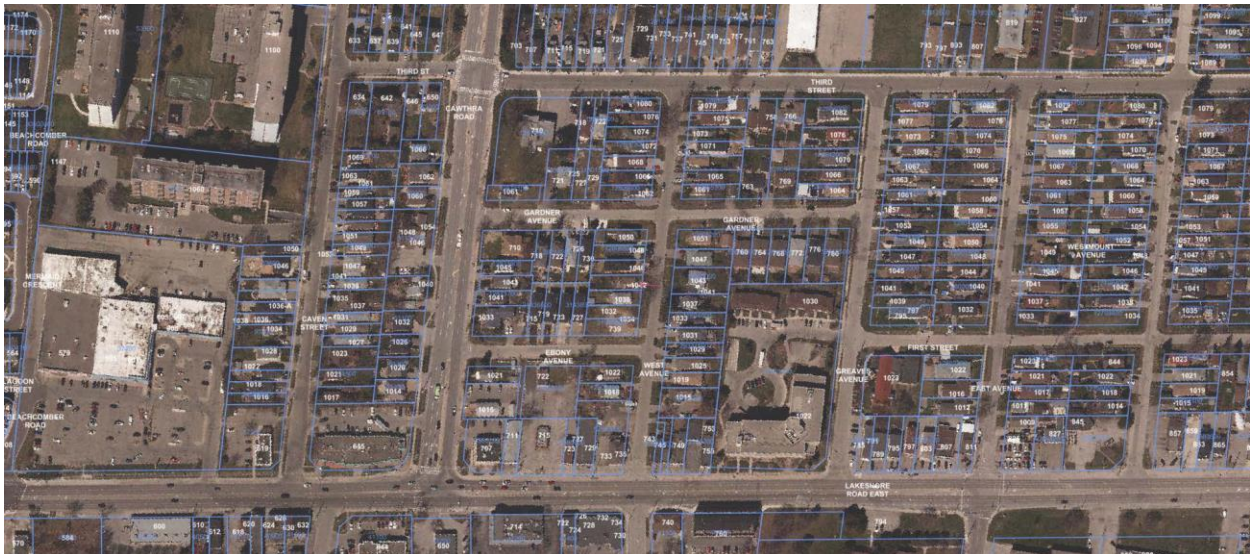
Zoning: Rm7-6 - Residential

Other Applications: Building Permit BP 9NEW-21/8383 (Issued)

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Cawthra Road and Lakeshore Road East intersection. The immediate neighbourhood primarily consists of older and newer one, two and three-storey detached dwellings with some mature vegetation in the front yards.

The subject property contains a one-storey detached dwelling with vegetation in the front yard.



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 Medium Density on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings. While a detached dwelling use is not permitted under this designation, staff note the detached dwelling use is permitted in the RM7-6 zone. Staff also note the prominent form of housing on West Avenue are detached dwellings, therefore, staff have no concerns with the applicant's proposal for a detached dwelling.

Variance #1 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot. The dwelling accounts for 34% of the proposed lot coverage. The additional coverage can be attributed to the front porch, balcony, eaves, deck and floor projection, which do not add significant massing to the dwelling.

Variances #2-5 pertain to setbacks. The intent behind requiring greater setbacks for additional storeys is to deemphasize the massing impact of the dwelling along the side yards and to provide for a roof design that slopes down to the first floor level. Variances #2 and 4 are required because the applicant is proposing to maintain the same setback to the second storey as the first storey. Staff have no concerns with these variances, as this is characteristic of many two-storey dwellings in the immediate area. Therefore, the proposed setbacks are not out of character. Variances #3 and 5 only pertain to the third storey of the proposed dwelling. Staff have no concerns with these variances, as they are a minor deviation from the minimum required setback. Furthermore the proposed third storey setbacks maintain the intent of the zoning by-law by providing setbacks that are greater than what is proposed to the first and second storeys.

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 dwelling were addressed by our Development Construction Section through Building Permit BP 9NEW-21/8383. Any further changes will require a further Building Permit approval.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Gary Gagnier, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1042 West Ave to facilitate the construction of a new 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