

# City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): A471.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 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 north side yard setback of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a north side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A lot coverage of 43.09% whereas By-law 0225-2007, as amended, requires a lot coverage of 35% in this instance;
3. A height to the eaves of 7.39m (approx. 24.25ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A north side yard eaves encroachment of 0.76m (approx. 2.49ft) whereas By-law 0225-2007, as amended, requires a minimum north side yard eaves encroachment of 1.36m (approx. 4.46ft) in this instance; and,
5. A side yard setback to the stairs in the rear yard of 1.19m (approx. 3.90ft) whereas By-law 0225-2007, as amended, requires a side yard setback to the stairs in the rear yard of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 975 Aviation Rd

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II, Mixed Use

### Zoning By-law 0225-2007

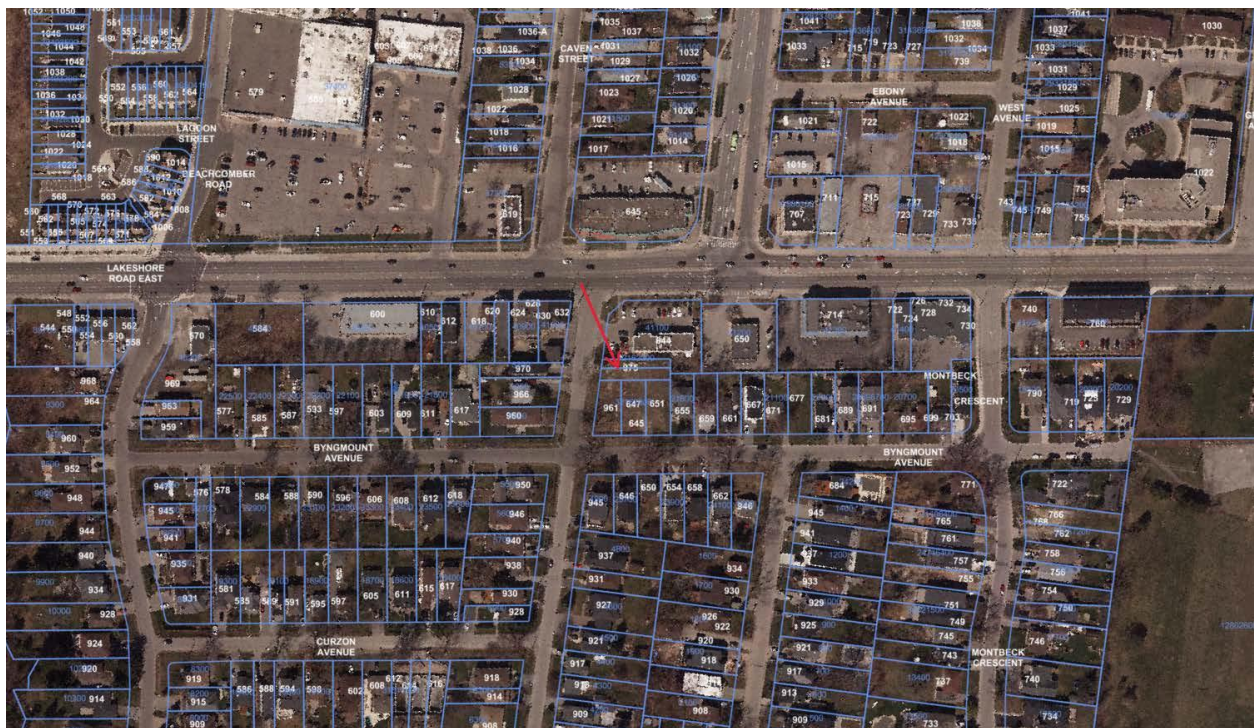
**Zoning:** R3-75 Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-west of the Lakeshore Road East and Cawthra Road intersection in the Lakeview neighbourhood. The property is currently vacant and has an approximately lot area of +/- 390.69m<sup>2</sup> (4,205.35ft<sup>2</sup>), characteristic of the surrounding area. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context includes a mix of one and two-storey detached dwellings on lots of varying sizes as well as commercial uses and built forms along Lakeshore Road East.

The applicant is proposing to construct a new dwelling requiring variances for setbacks, lot coverage, eave height and eave encroachment.



## 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 located in the Lakeview Neighbourhood Character Area and is dual designated Residential Low Density II and Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; however, the Mixed Use designation does not permit detached dwellings.

Staff note that the application is subject to a previous consent and minor variance application ('B' 68/19 and 'A' 427/19) which was approved on November 14th, 2019. These applications added a former laneway known as 0 Torquay Mews (zoned C4-12 and designated Mixed Use) to a residential property formally addressed as 971 Aviation Road for the purpose of constructing a detached dwelling. The laneway and residential property formally addressed as 971 Aviation form the subject property (975 Aviation Road).

Subsequently, the addition of the laneway to the residential property created a property with dual designations and zoning. While a detached dwelling is not a permitted use in the Mixed Use designation/C4-12 zone, on March 26<sup>th</sup>, 2020, the Committee of Adjustment approved application A9/20, which contained variances to allow for a detached dwelling to be constructed on the subject property.

The applicant is seeking variances to allow for the construction of a detached dwelling on the subject property.

Variances #1 and 5 relate to side yard setbacks. The proposed side yard setbacks are consistent with setbacks found in the immediate area. Furthermore, the proposed setbacks represent a minor deviation from the minimum setback requirements.

Variance #2 relates to a maximum lot coverage of 35%. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. Staff note that the proposed dwelling represents 36.49% of the total lot coverage, which is a minor deviation from the maximum lot coverage requirement. The additional lot coverage is attributable to the front porch, accounting for 0.31% and the rear uncovered patio accounting for 6.29% of the requested total lot coverage. Staff has no massing concerns with the proposed front porch and uncovered patio.

Variance #3 relates to eave height. While the proposed eave height increase would result in a higher second storey overall, the increase height would provide an appropriate buffer and transition from lands containing commercial uses to the north along Lakeshore Road East and the residential neighbourhood south of Lakeshore Road East.

Variance #4 relates to eave encroachment. Staff has no concerns with this variance as the proposed eave encroachment allows a sufficient setback to be maintained to the northern

property line. Further, staff is of the opinion that the eave encroachment will present no massing concerns for the abutting property to the north, as the property to the north contains commercial uses and its parking area directly abuts the subject property.

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 new 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

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: Brandon Eidner, Zoning Examiner

### Appendix 3 – CVC

Although the property appears to be regulated based on our mapping, I can confirm that it is outside of CVC's regulated area and CVC review/approval are not required. As such, CVC will not be providing comments on the application.

Comments Prepared by: Beata Pakulski, Junior Planner

### Appendix 4- Region of Peel

#### **Minor Variance Application: A-471/22**

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

**Comment:** 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](mailto: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](mailto:siteplanservicing@peelregion.ca).

**Minor Variance Application:** A-471/22Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:** Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Regional Planning Staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner