

City of Mississauga Department Comments

Date Finalized: 2023-01-19	File(s): A711.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 1:00:00 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 northeast side yard setback of 0.19m (approx. 0.62ft) for a window well whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.59m (approx. 1.94ft) for a window well in this instance;
2. An interior side yard setback of 0.80m (approx. 2.62ft) for the second floor balcony whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) for the second floor balcony in this instance and,
3. A lot coverage of 41.20% (167.68sq m (approx. 1805.00sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (142.51sq m (approx. 1533.96sq ft)) in this instance.

Background

Property Address: 650 Byngmount Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-1851

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Area, southeast of the Lakeshore Road East and Aviation Road intersection. The immediate neighbourhood is primarily residential consisting of older and newer one to three-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property contains a one-storey detached dwelling with vegetation in the front and rear yards.

The applicant is proposing a new dwelling requiring a variance for a front yard setback.



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 located within the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

Variances #1 and 2 are for reduced side yard setbacks. Planning staff are of the opinion that the requested variances do not provide an adequate buffer to the neighbouring property to the east. Transportation and Works staff have also identified drainage concerns with respect to variance #1. The proposed setback is to a portion of a hardscaped walkway leading to the rear yard and to a window well. Staff note that the remaining portion of the hardscaped walkway has a 0m setback to the lot line. Staff is of the opinion that the setbacks proposed to the hardscaped surface and window well are inadequate and cannot accommodate a swale to ensure no issues arise regarding surface runoff onto neighbouring properties. Furthermore, the applicant has proposed two window wells, one in each side yard, obstructing access to the rear yard.

In addition, staff are concerned that variance #2 will create significant privacy and overlook concerns for the abutting property owner to the east.

Upon the review of new two storey-detached dwellings in the neighbourhood, staff are of the opinion that the proposed lot coverage is excessive and represents an overdevelopment of the subject property. The proposed dwelling would not maintain compatibility between the existing dwellings on the street; nor would it preserve the established character of the neighbourhood. Staff are of the opinion that when considered with the increased lot coverage, the reduced setbacks will create massing concerns and will directly impact neighbouring properties to the east and west and the streetscape.

Planning staff also note that the requested variances may be inaccurate and additional variances are likely required. Zoning staff have requested additional information in order to verify the accuracy of the requested variances and to determine if additional variances are required.

As such, Planning staff recommend the application be deferred to give the applicant an opportunity to redesign the dwelling to address concerns raised above and to meet with Zoning staff to ensure the accuracy of the requested variances.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have discussed the proposed Minor Variances with our Development Construction Section who will ultimately be reviewing the grading plan through the Building Permit process. **We cannot support the 0.19m setback** proposed along the easterly property limit. The window well in this location would force surface drainage onto the adjacent property.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-1851. Based on review of the information currently available in this permit application, variance # 1, as requested is correct.

Furthermore, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application submitted on 06/28/2022 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

Minor Variance Application: A-711/22, 650 Byngmount Avenue

Servicing: 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 905.791.7800 x7973 or by email 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: Patrycia Menko – Junior Planner, Planning and Development Services