

# City of Mississauga Department Comments

Date Finalized: 2023-02-02	File(s): A760.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-23 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 front yard setback to the garage face of 6.0m (approx. 19.68ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the stairs (including the stairs) of 5.43m (approx. 17.81ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
3. A front yard setback to the eaves of 5.68m (approx. 18.63ft) whereas By-law 0225-2007, as amended, requires a front yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance;
4. A front yard setback of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance and,
5. An eaves overhang height of 6.61m (approx. 21.69ft) whereas By-law 0225-2007, as amended, permits a maximum eaves overhang height of 6.40m (approx. 21.00ft) in this instance.

## Amendments

A revised list of variances and drawings were reviewed by Planning staff on February 2<sup>nd</sup>, 2023. As such, staff recommend that the variances be revised as follows:

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1. A front yard setback to the garage face of 6.00 m (approx. 19.68 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the front porch (including the stairs) of 5.43m (approx. 17.81ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
3. A front yard setback to the eaves of 5.68m (approx. 18.64ft) whereas By-law 0225-2007, as amended, requires a front yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance;

## Background

**Property Address:** 1264 St. Marys Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** Building Permit under file SEC UNIT 22-3749

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Dixie Road and Lakeshore Road East intersection. The neighbourhood contains a mix of industrial, commercial and residential uses. The residential uses consist of high-density residential uses along Lakeshore Road East and one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one-storey single detached dwelling with vegetation in the front yard.

The application proposes a two-storey detached dwelling requiring variances for front yard setbacks and an eaves overhang height.



## 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 of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character streetscape. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variances #1, 2, 3 and 4 relate to front yard setbacks. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff have no concerns with the requested variances, as they are consistent with front yards found within the immediate area. Furthermore, there are no massing concerns associated with the front porch.

Variance #5 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling. Planning staff note that no overall height variance is being requested. Furthermore, a discrepancy of approximately 0.25m (0.82ft) between average grade and grade. Therefore, the dwelling's eaves would appear to be 6.36m (20.87ft) when standing perpendicular to the facade. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 are being addressed by our Development Construction Section through the Building Permit process, File SEC UNIT 22/3749.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 22-3749. Based on review of the information currently available in this application, variances # 3 and 4, as requested are correct.

In addition, we advise that the following variance(s) should be amended as follows:



1. A front yard setback to the garage face of 6.00 m (approx. 19.68 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the front porch (including the stairs) of 5.43m (approx. 17.81ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;

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

Please note that comments reflect those provided through the above permit application 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: Maria Fernandez, Zoning Examiner

### **Appendix 3 – Metrolinx**

#### **1264 St. Marys Ave**

Metrolinx is in receipt of the minor variance application for 1264 St. Marys Ave to construct a new dwelling addition to an existing 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 [Leah.ChishimbaSimwanza@Metrolinx.com](mailto:Leah.ChishimbaSimwanza@Metrolinx.com) with questions and to initiate the registration process.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor

- **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Tara Kamal Ahmadi – Junior Analyst, Third Party Projects Review

## Appendix 4 – Region of Peel

### Minor Variance Application: A-760/22 – St. Mary's Avenue

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 905.791.7800 x7973 or by email 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. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Development Planning: Patrycia Menko (905) 791-7800 x3114

#### Comments:

- Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC) Authority. Regional Planning staff therefore, request that the Committee and City staff consider comments from the CVC Authority and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko – Junior Planner – Planning and Development Services