

# City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A64.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances.

## 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 1.20m (approx. 3.93ft) to the second storey whereas By-law 0225-2007, as amended, requires a side yard setback of 1.81m (approx. 5.93ft) to the second storey in this instance; and,
2. An interior side yard setback of 0.79m (approx. 2.59ft) to the eaves whereas By-law 0225-2007, as amended, requires a side yard setback of 1.36m (approx. 4.46ft) to the eaves in this instance.

## Background

**Property Address:** 988 Pelham Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75-Residential

**Other Applications:** BP 22-4351

## Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, southeast of the Ogden Avenue and Atwater Avenue intersection. The immediate neighbourhood consists primarily of one and two-storey detached dwellings on lots with vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for interior side yard 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 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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The proposal conforms to the designation and staff are of the opinion that the proposed

built form is compatible with detached dwellings in the immediate area. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

The applicant is proposing a new two-storey dwelling requiring variances for interior side yard setbacks. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff have no concerns with the applicant's proposal, as the variances required are only to accommodate a deficient setback to a portion of the second storey and eaves located in the westerly side yard. The remaining portions of the dwelling maintain the setback requirements. Furthermore, the applicant meets the minimum side yard setback to the first storey of the dwelling. Therefore, the proposed setback will not impede access to the rear yard.

As such, staff are satisfied 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?**

Upon review of the application, staff are satisfied that the proposal represents the appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 Building Permit Process for BP9 NEW-22/4351.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building Permit under file BP 22-4351 Based on review of the information currently available in this permit application, the variances, as requested are correct.

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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: Sherri Takaloo, Zoning Examiner

### **Appendix 3 – Region of Peel Comments**

#### **Minor Variance Application: A-64/23 – 988 Pelham 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).

Comments Prepared by: Patrycia Menko, Junior Planner

### **Appendix 4 – Metrolinx**

#### 988 Pelham Ave

Metrolinx is in receipt of the minor variance application for 988 Pelham Ave to facilitate the construction of a new two-storey 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



[Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each 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: Farah Faroque, Intern