

City of Mississauga Department Comments

Date Finalized: 2023-04-19	File(s): A687.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-04-27 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 meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

The applicant requests the Committee to approve minor variances to construct a new dwelling proposing:

1. A lot coverage of 38.45% whereas By-law 0225-2007, as amended, permits a lot coverage of 35% in this instance;
2. An exterior side setback of 2.79m (approx. 9.15ft) whereas By-law 0225-2007, as amended, requires a 6.0m (approx. 19.68ft) exterior side setback in this instance;
3. A front yard setback of 4.72m (approx. 15.48ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 6.0m (approx. 19.68ft) in this instance;
4. A side yard setback of 0.83m (approx. 2.72ft) to the first floor whereas By-law 0225-2007, as amended, requires a side yard setback of 1.2m (approx. 3.93ft) to the first floor in this instance;
5. A side yard setback of 0.83m (approx. 2.72ft) to the second floor whereas By-law 0225-2007, as amended, requires a side yard setback of 1.81m (approx. 5.93ft) to the second floor in this instance;
6. A porch setback of 1.26m (approx. 4.13ft) whereas By-law 0225-2007, as amended, requires a porch setback of 4.4m (approx. 14.43ft) in this instance;
7. An exterior yard setback of 3.45m (approx. 11.31ft) for the garage whereas By-law 0225-2007, as amended, requires an exterior yard setback of 6.0m (approx. 19.68ft) to the garage in this instance;
8. An awning setback of 2.18m (approx. 7.15ft) for the garage whereas By-law 0225-2007, as amended, requires an awning setback of 5.39m (approx. 17.68ft) for the garage in this instance;
9. A setback of 1.72m (approx. 5.64ft) for the window well whereas By-law 0225-2007, as

amended, requires a setback of 5.39m (approx. 17.68ft) for the window well in this instance; and,

10. An A/C unit setback of 0.41m (approx. 1.34ft) whereas By-law 0225-2007, as amended, requires an A/C unit setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 995 Gardner Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

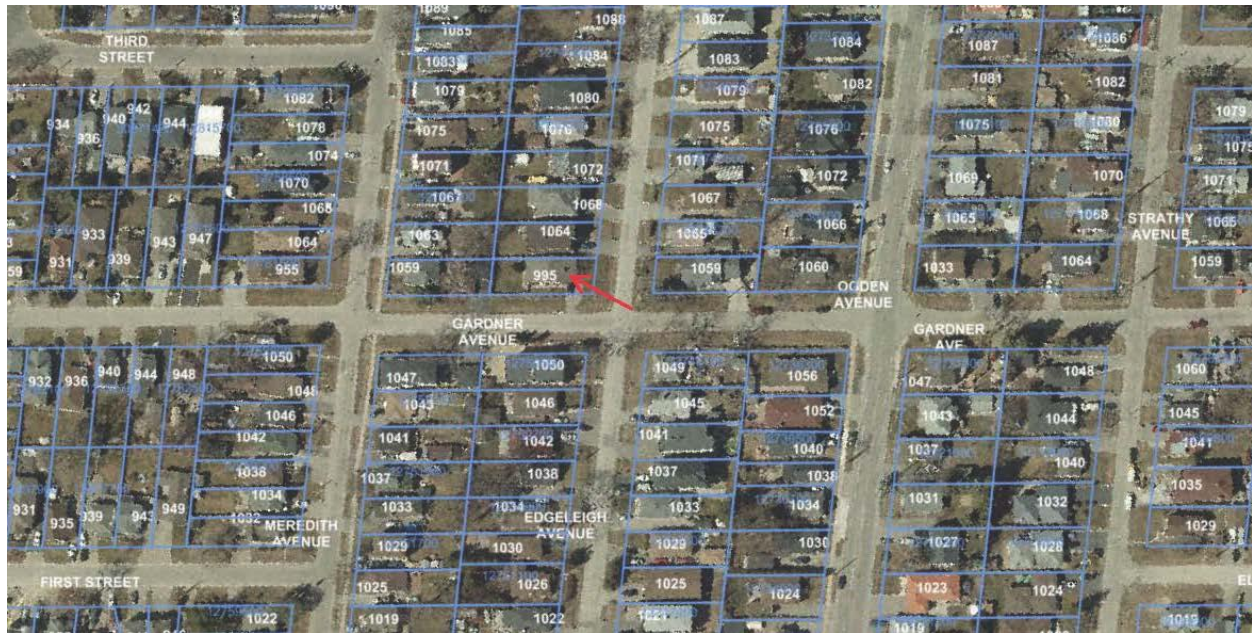
Zoning: R3-75-Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-808.

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Alexandra Avenue and Lakeshore Road East intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with little vegetation in the front yard.

The variance request is for a new two-storey detached dwelling requiring variances for lot coverage and 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 are as follows:

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

The Committee deferred the above noted application on January 19th, 2023, to address concerns related to the dwelling's lot coverage, dwelling depth, massing and setbacks.

The applicant has revised the proposal and no longer requires a variance for dwelling depth. Furthermore, the applicant has reduced the overall lot coverage from 39.83% to 38.45%, which represents a minor deviation from the maximum permitted.

Setbacks to the proposed porch and garage (variances #6 and 7) have increased by 20cm (0.66ft) and the garage's awning setback (variance #8) has decreased from 3.96m (13ft) to 2.18m (7.15ft). Staff note that the proposed setbacks are consistent with setbacks found in the immediate area. Furthermore, the large municipal boulevard provides additional buffering between the proposed dwelling and the streetscape. The remaining variances are unchanged.

The applicant has also added more design features and materials to the dwelling's front façade (facing Gardner Avenue) and east wall (facing Edgeleigh Avenue) to address concerns related to massing.

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As such, the applicant has satisfied concerns related to lot coverage, dwelling depth, massing and setbacks. It is staff's opinion that the proposal is sympathetic to the surrounding area and does not impact the neighbouring properties or streetscape. 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 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

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-808. Based on review of the information currently available in this permit application, 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 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 – Metrolinx Comments

995 Gardner Avenue

Metrolinx is in receipt of the minor variance application for 995 Gardner 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

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

Appendix 4- Region of Peel Comments

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner