

# City of Mississauga Department Comments

Date Finalized: 2023-04-26	File(s): A727.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 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 allow an addition and an accessory structure proposing:

1. An eaves height of 6.55m (approx. 21.48ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.40m (approx. 20.99ft) in this instance;
2. An interior side yard setback of 1.10m (approx. 3.60ft) to the north whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the north in this instance;
3. An interior side yard setback of 1.75m (approx. 5.74ft) to the south whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the south in this instance;
4. An interior eaves setback of 0.89m (approx. 2.92ft) to the north whereas By-law 0225-2007, as amended, requires an eaves setback of 1.36m (approx. 4.46ft) to the north in this instance;
5. An accessory structure height of 4.50m (approx. 14.76ft) whereas By-law 0225-2007, as amended, permit an accessory structure height of 3.0m (approx. 9.84ft) in this instance;
6. A combined accessory structure area of 55.75sq.m (approx. 600.08sq.ft) whereas By-law 0225-2007, as amended, permits a combined accessory structure area of 30sq.m (approx. 322.91sq.ft) in this instance;
7. An accessory structure area of 55.75sq.m (approx. 600.08sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 10 sq.m (approx. 107.63sq.ft) in this instance; and,
8. An interior south side eaves setback of 0.39m (approx. 1.27ft) to the accessory

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structure whereas By-law 0225-2007, as amended, requires an interior south side eaves setback of 1.36m (approx. 4.46ft) to the accessory structure in this instance.

### **Recommended Conditions and Terms**

Should the Committee see merit in the application, Transportation and Works staff request that the following condition be added:

The applicant make appropriate arrangements with the City to lift that portion of the 0.3m (0.98ft) reserve that is required for this access to function legally.

## **Background**

**Property Address:** 1083 Orchard Road

### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

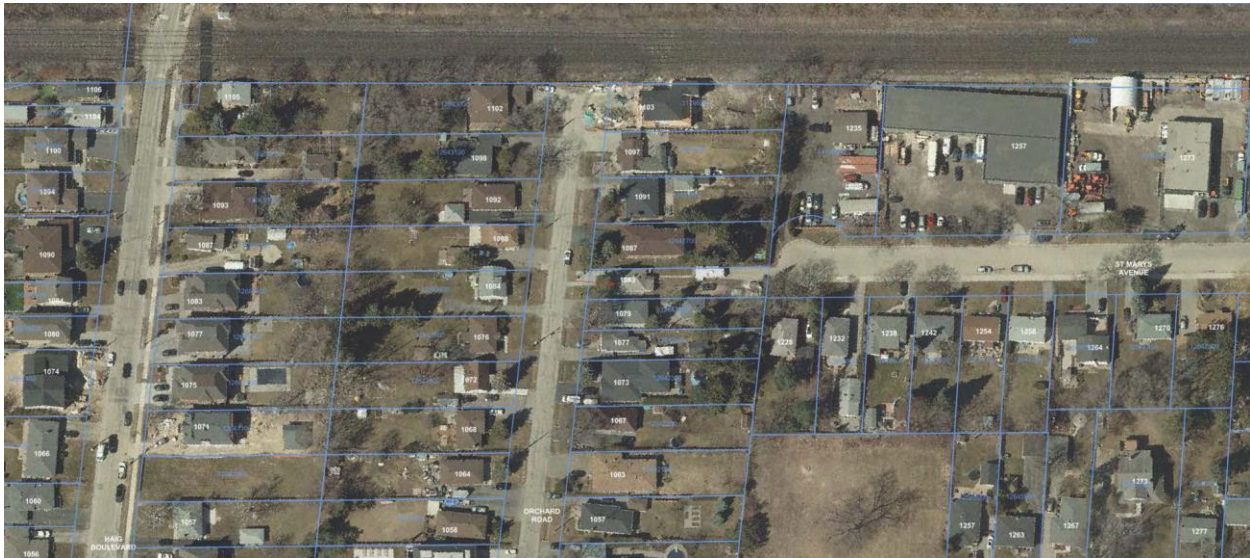
**Zoning:** R3-75-Residential

**Other Applications:** Building Permit under file BP 9ALT 22-3958.

### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Lakeshore Road East and Dixie Road intersection. The immediate neighbourhood is primarily residential, consisting of old and new one and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing an addition to the existing one-storey detached dwelling and a new accessory structure requiring variances for setbacks, heights and accessory structure area.



## 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 February 2<sup>nd</sup>, 2023, to address massing, drainage and legal concerns related to the accessory structure's design and location.

The applicant has relocated the proposed structure closer to the rear lot line and away from the southerly lot line. As such, the interior side yard setback to the eaves and southerly wall of the proposed accessory structure (variances #8 and 9) has increased from 0.09m (0.30ft) to 0.39m (1.27ft) and 0.3m (0.98ft) to 0.61m (2ft). Through discussions with Zoning staff, Planning staff have determined that variances #8 and 9 are no longer required.

Planning staff are of the opinion that variances #5, 6 and 7 are minor and technical in nature. The proposed accessory structure is identified as a "work shop" containing a garage door on the applicant's drawings. Zoning staff may interpret the applicant's proposal to be a detached garage given its appearance, location and dimensions. Detached garages are permitted on the subject property. Furthermore, no garages currently exist on the subject property. Staff note that regulations for detached garages are more permissive than for accessory structures. If the proposed structure is identified by Zoning staff as a detached garage, no variances for height or area are required. Planning staff has no concerns with variances #5, 6 or 7, as the structure's overall appearance, height and area are consistent with that of a detached garage.

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Variances #1, 2, 3 and 4 are required to accommodate the proposed addition. Staff is of the opinion that the proposed variances represent minor deviations from the existing regulations and do not pose access or massing concerns. Furthermore, the proposed variances are consistent with conditions found for detached dwellings in the immediate area.

The applicant's revisions satisfy planning staff's concerns with respect to massing and drainage. Staff continue to recommend that approval be subject to the above noted condition. The remaining variances are unchanged, as such, staff continue to have no concerns with these variances. 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 addition and structure are being addressed by our Development Construction Section through the Building Permit process BP 9ALT-22/3958.

We also advise that the applicant is currently utilizing an illegal access point at the rear of the lands off of St. Mary's Avenue. There is an existing 0.3m reserve between the applicant's lot and St. Mary's Avenue right of way. The applicant is currently illegally crossing the City owned reserve lands. Considering that this access point is the only vehicular access point that the property currently has, we have no concern with the applicant keeping it provided that as a condition of approval, we ask that the applicant make appropriate arrangements with The City to lift that portion of the 0.3m reserve that is required for this access to function legally.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9ALT 22-3958. Based on review of the information currently available in this application, following variances, as requested are correct:

1. An eaves height of 6.55m (approx. 21.48ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.40m (approx. 20.99ft) in this instance;
2. An interior side yard setback of 1.10m (approx. 3.60ft) to the north whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the north in this instance;
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7. An accessory structure area of 55.75sq.m (approx. 600.08sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 10 sq.m (approx. 107.63sq.ft) in this instance;

We also 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 submitted on 11/02/2022 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 – CVC Comments**

A22/727 – 1083 Orchard Rd

Although the property appears to be regulated based on our mapping, I can confirm we have updated information and that it is outside of CVC's regulated area. 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 – Metrolinx Comments**

#### 1083 Orchard Road

Metrolinx is in receipt of the minor variance application for 1083 Orchard Rd to facilitate a second storey addition over the existing dwelling as well as a two storey addition at the rear of the existing dwelling. Additionally, to facilitate the construction of a one storey workshop in the rear yard. 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 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: Farah Faroque, Intern

#### **Appendix 5 – Region of Peel Comments**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner