

City of Mississauga Department Comments

Date Finalized: 2023-10-18	File(s): A687.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-26 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 2.42m (approx. 7.93ft) 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 4.07m (approx. 13.35ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 6.0m (approx. 19.68ft) in this instance;
 5. A side yard setback of 1.20m (approx. 3.93ft) 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 0.90m (approx. 2.95ft) 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 3.08m (approx. 10.10ft) 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 exterior awning setback of 1.81m (approx. 5.93ft) to the front entrance whereas By-law 0225-2007, as amended, requires an exterior awning setback of 5.39m (approx. 17.68ft) to the front entrance in this instance;
 9. A setback of 1.35m (approx. 4.42ft) 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 0.39m (approx. 1.27ft) 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

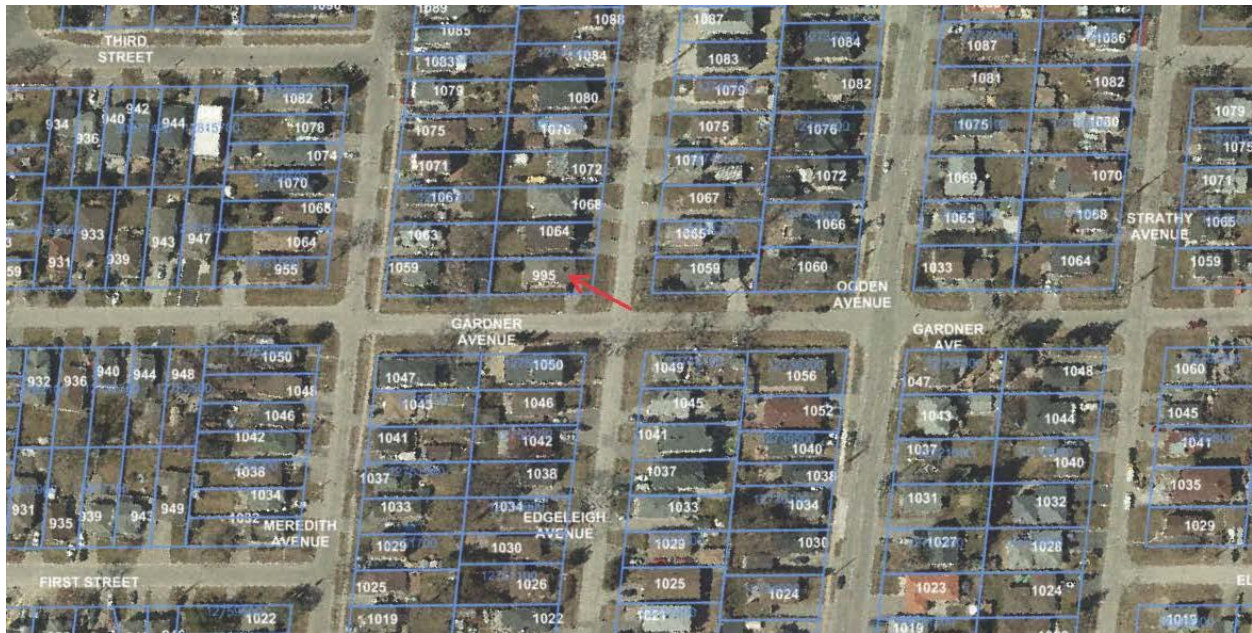
Zoning: R3-75-Residential

Other Applications: Preliminary Zoning Review 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:

Planning staff were advised that public circulation for the September 7th hearing, where the subject application was approved by the Committee of Adjustment, did not meet the requirements of the *Planning Act*. As such, the application shall be re-heard by the Committee of Adjustment at the October 26th hearing date.

Planning staff note that their comments prepared for the September 7th hearing have not changed, as the applicant's proposal remains the same.

As such, Planning staff maintains their 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 revised 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 Staff have reviewed a Preliminary Zoning Review 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Metrolinx

995 Gardner Ave - A687.22

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

Conditions of Approval:

- 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).

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-22-687M / 995 Gardner Avenue

Development Engineering: Brian Melnyk (905)-791-7800 x3602

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
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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. 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

Comments Prepared by: Ayooluwa Ayoola, Junior Planner