

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A32.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 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 an addition proposing:

1. A front yard setback to the garage face of 6.00m (approx. 19.69ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the porch (including stairs) of 4.90m (approx. 16.08ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;
3. A front yard setback to the eaves of 5.34m (approx. 17.52ft) whereas the By-law 0225-2007, as amended, requires a minimum 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 the By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
5. An eaves overhang height of 6.61m (approx. 21.69ft) whereas the By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
6. A left interior side yard setback to the second floor of 1.57m (approx. 5.15ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) 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

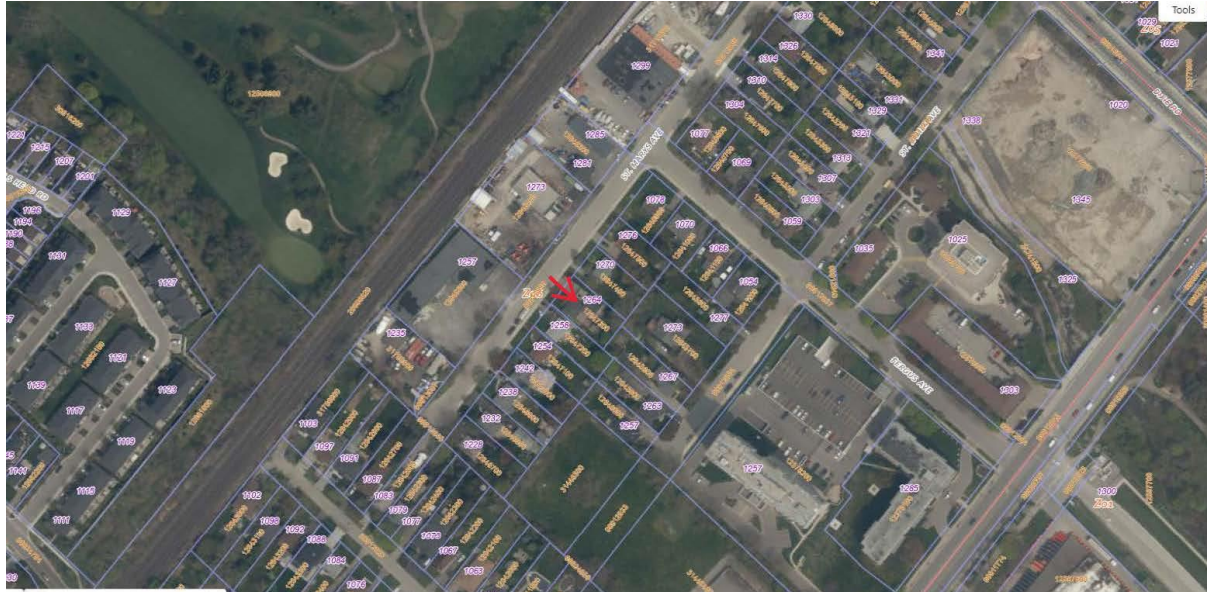
Zoning: R3-75-Residential

Other Applications: Building Permit application BP 9NEW 23-9133

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. One and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards immediately surround the subject property. 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 setback, eaves overhang height and interior side yard setback.



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, there is 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 façade. The visual height of the dwelling would be less than the by-law regulations. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #6 relates to interior side yard setback. Staff note that the requested variance is to accommodate the second storey addition only. The existing one-storey detached dwelling maintains the minimum setback requirement. Staff are also of the opinion that the requested variance is negligible and will have no impact on the streetscape or adjacent properties.

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 addition are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/9133.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9133. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of

City Department and Agency Comments	File:A32.24	2024/01/17	5
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Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-032M / 1264 St. Mary's Ave

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.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – Metrolinx

1264 St. Marys Ave - A32.24

Metrolinx is in receipt of the Minor Variance application for 1264 St Marys Ave to facilitate the construction of an addition to the existing dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **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, Project Analyst- Third Party Projects Review