

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A142.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 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, as amended, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 291.50sq m (approx. 3137.68sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 550.00sq m (approx. 5920.15sq ft) in this instance;
3. An interior side yard setback on both sides for all stories above grade of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended requires a minimum setback of 1.20m (approx. 3.94ft) in this instance; and,
4. An eaves height of 8.03m (approx. 26.35ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Amendments

Planning note that the lot is a legally existing. As such, variances #1 and 2 are not required and should be removed from the application.

Planning staff are unable to determine if the wording of variance #3 will be acceptable to Zoning staff through the building permit process. As such, the applicant may wish to add individual variances to the application for each side of the dwelling and to the first and second storeys, separately.

Background

Property Address: 0/575 Byngmount Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

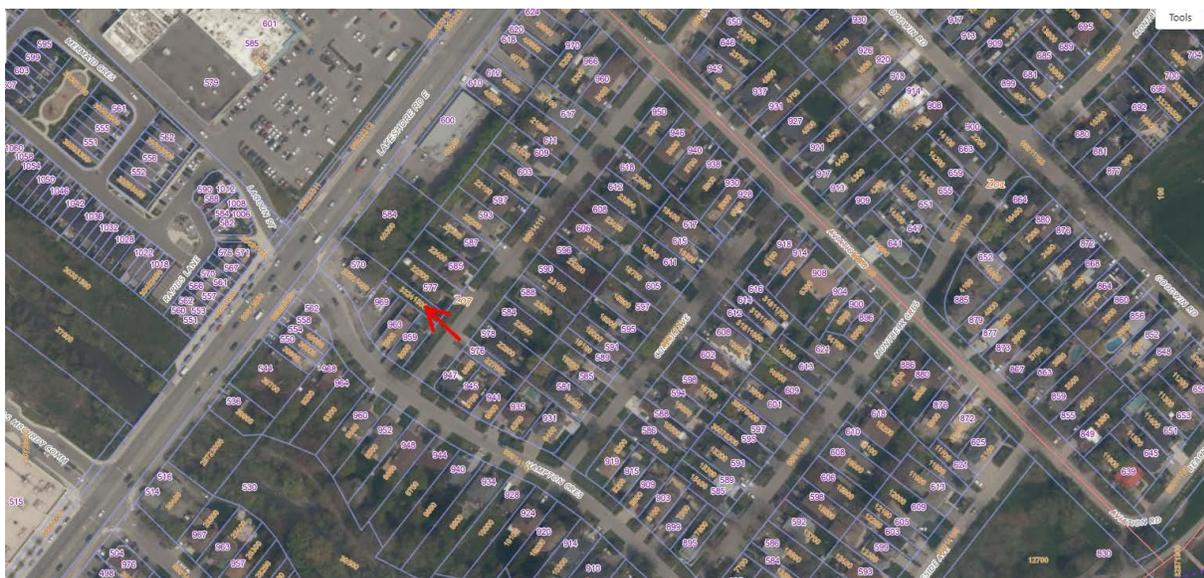
Zoning: R3-75-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Area, southwest of the Lakeshore Road East and Aviation Road intersection. The immediate neighbourhood is primarily residential consisting of older and newer one to three-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property is currently vacant with mature vegetation.

The applicant is proposing a new two-storey dwelling requesting variances for side yard setbacks, lot area, lot frontage and eave height.



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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages.

Variances #1 and 2 are for lot frontage and area. Staff note that the lot is legally existing and therefore the proposal does not require these variances.

Variance #3 is for side yard setbacks. Staff note that the requested setbacks appear insufficient, however, the legally existing lot falls short of the by-laws minimum frontage and area requirements, therefore it is understood that lesser setbacks are required. The proposed setbacks are also consistent with setbacks found to detached dwellings on lots with similar frontages and areas.

Variance #4 is for eave height. Planning staff typically do not support eave height increases of this magnitude. However, the proposal does not require a height variance to accommodate the highest ridge of the dwelling and the applicant is not seeking variances for lot coverage or gross floor area which can exacerbate the massing of a building. Therefore, the request for additional eave height is reasonable.

Through a detailed review of the application, staff are 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

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance: A-24-142M - 0/575 Byngmount Ave

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.
- 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.
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Planner