

# City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): A374.24 A375.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-29 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

### A374/24

The applicant requests a minor variance for the severed lands of B39/23 proposing:

1. A lot coverage of 42.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A side yard setback (westerly yard) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (westerly yard) of 1.80m (approx. 5.91ft) in this instance;
3. A side yard setback (easterly yard) of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (easterly yard) of 1.80m (approx. 5.91ft) in this instance; and,
4. A window well setback of 0.60m (approx. 1.97ft) whereas By-law 0225-2007, as amended, requires a minimum window well setback of 1.20m (approx. 3.94ft) in this instance.

### A375/24

The applicant requests a minor variance for the retained lands of B39/23 proposing:

1. A lot coverage of 42.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A side yard setback (easterly yard) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (easterly yard) of 1.80m (approx. 5.91ft) in this instance;
3. A side yard setback (westerly yard) of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (westerly yard) of 1.80m (approx. 5.91ft) in this instance; and,
4. A window well setback of 0.64m (approx. 2.10ft) whereas By-law 0225-2007, as amended, requires a minimum window well setback of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 876 and 878 Atwater Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

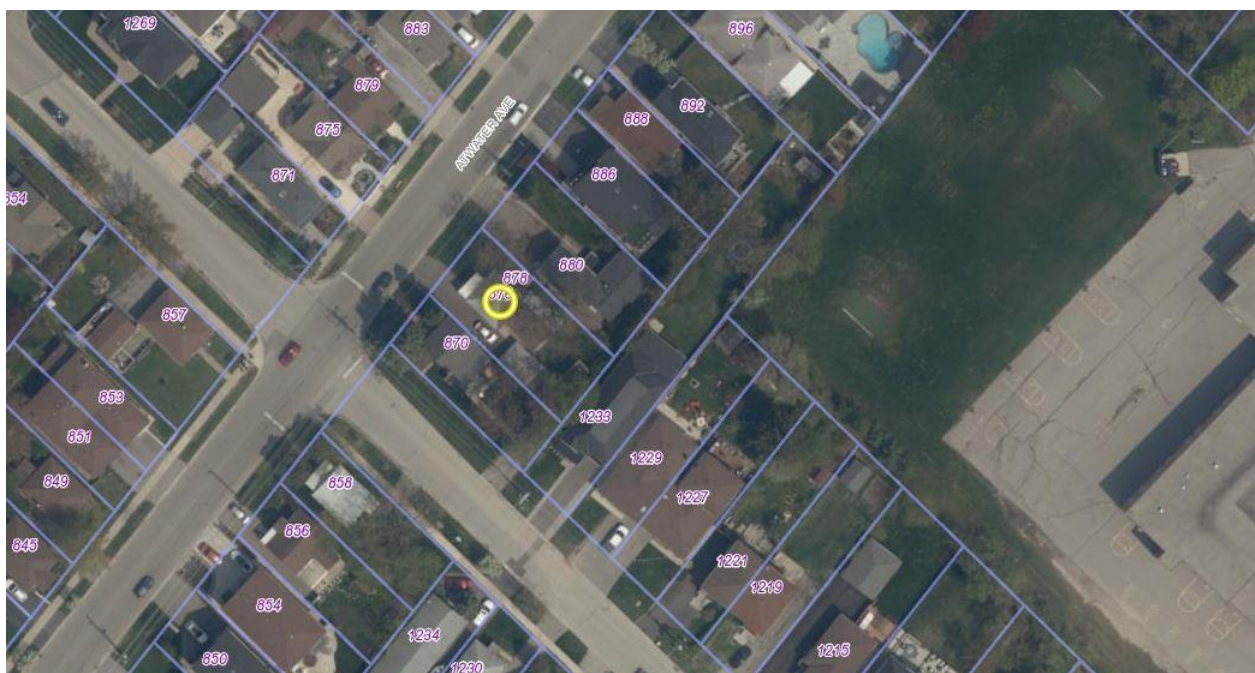
**Zoning:** RM1-26-Residential

**Other Applications:** Building Permit application 24-2074

### Site and Area Context

The subject properties are located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Atwater Avenue. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached and semi-detached dwellings. The subject property currently contains a one-storey detached dwelling.

The applications propose two semi-detached dwellings requesting identical variances for lot coverage and side yard setbacks for both the severed and retained lands.



## 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 in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. The subject property is also located within the Central Residential Neighbourhood Precinct, in the Cawthra Village Sub-Area in the Lakeview Local Area Plan (Map 1 – Lakeview Local Area Plan Precincts and Sub Areas). Staff note that the subject property was previously before the Committee of Adjustment on September 21, 2023, for a severance, which was approved by the Committee. The applicant had sought variances for reduced lot frontage and area at that time. The current application seeks variances for lot coverage and side yard setbacks that were identified through the building permit process.

Staff note that due to the presence of a retaining wall in the side yard for both the severed and retained lots, the actual setback is less than what is being sought. The actual setback dimensions are unclear in the drawings presented. It is staff's understanding that the retaining wall was required by Transportation and Works staff during the Building Permit process to accommodate appropriate drainage on the properties. With a reduced side yard setback measured to the dwelling and the proposed window wells encroachments, access to the rear yard would be encumbered. As such, staff are of the opinion that the proposal be redesigned to meet the zoning requirements in this instance.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

## Appendices

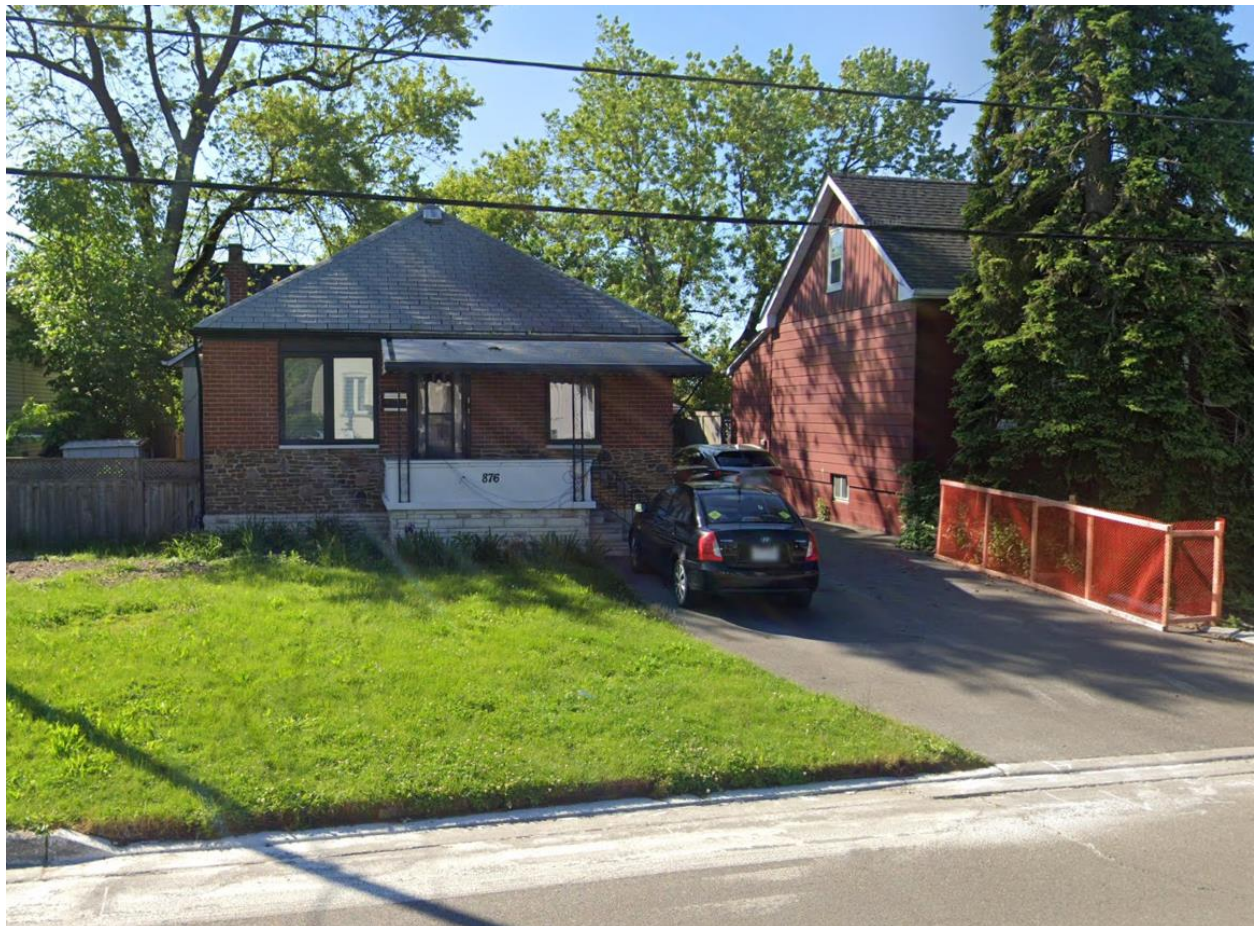
### Appendix 1 – Transportation and Works Comments

This Department cannot support variance #4 for a window well setback of 0.6m. Our Development Construction Section had previously reviewed and approved a grading BP 9NEW 24/2074 for the proposed semis which did not contemplate any window wells in the side yards.

The plan include a retaining wall along both of the exterior side yards for drainage purposes. The inclusion of window wells in the side yards would impede the overall drainage pattern that was initially proposed.

We would also question how the home owner would even access the rear yards of each dwelling with the presence of the 3 window wells and the required retaining wall.

Comments Prepared by: John Salvino, Development Engineering Technologist





## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-2074. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variance(s) will be required.

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 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: Sibila Lass Weldt, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

## Appendix 4 – Region of Peel

**Minor Variance Application: A-23-374M, A-24-375M / 876 and 878 Atwater Avenue**  
Development Engineering: Wendy Jawdek (905) 791-7800 x6019

**Comments:**

- 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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner