

City of Mississauga Department Comments

Date Finalized: 2024-08-07	File(s): A87.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

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

1. A side yard setback to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A gross floor area of 335.37sq m (approx. 3609.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 306.12sq m (approx. 3295.08sq ft) in this instance; and,
3. A lot coverage of 37.60% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 577 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 contains a one-storey detached dwelling with vegetation in the front and rear yards.

The applicant is proposing a new two-storey dwelling requiring variances for side yard setback, gross floor area and lot coverage.



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:

The application was deferred on February 29, 2024, to allow the applicant an opportunity to discuss the proposal with the staff. Staff had raised concerns regarding the proposed gross floor area (GFA). The applicant has since worked with Planning staff to address these concerns and

has reduced the GFA from 393.53 m² (4235.92ft²) to 335.37 m² (3609.92ft²) which also reduced the lot coverage from 42.62% to 37.6%.

Does the proposal maintain the general intent and purpose of the Official Plan?

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). This designation permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and the landscape of the character area. It is staff's opinion that the proposal respects the designation and surrounding land use. Further, the proposal is consistent with the surrounding two-storey detached dwellings. Staff are satisfied that these variances maintain the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to side yard setback measured to the second storey. The general intent of the side yard regulations is to ensure that an adequate buffer exists between the massing of structures on abutting properties. Staff note that the first storey meets the required interior side yard setback, and the applicant is proposing to align the second storey on top of the first storey. It is staff's opinion that in this instance an appropriate buffer is maintained.

Variance #2 requests an increase in the gross floor area and variance #3 requests an increase in the lot coverage. The intent in restricting gross floor area and lot coverage is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Furthermore, that that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts to both abutting properties and the streetscape. Further, staff note that the dwelling's footprint represents approximately 26.4% of the total lot coverage, which is below the maximum permissible lot coverage. Therefore, staff are of the opinion that the variance is required to only accommodate elements like the front porch and rear deck, which do not have the same massing impacts. Staff also note that no variance has been requested height which further mitigates any massing impacts.

Given the above, Staff are satisfied that the 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?

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

Comments Prepared by: Shivani Chopra, 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 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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to 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.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Please apply our previous comments.

Comments Prepared by: Petrele Francois, Junior Planner