

# City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A424.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 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 requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing an interior side yard setback on both sides of the third storey of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.42m (approx. 7.94ft) to a third storey in this instance.

## Background

**Property Address:** 575 Byngmount Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

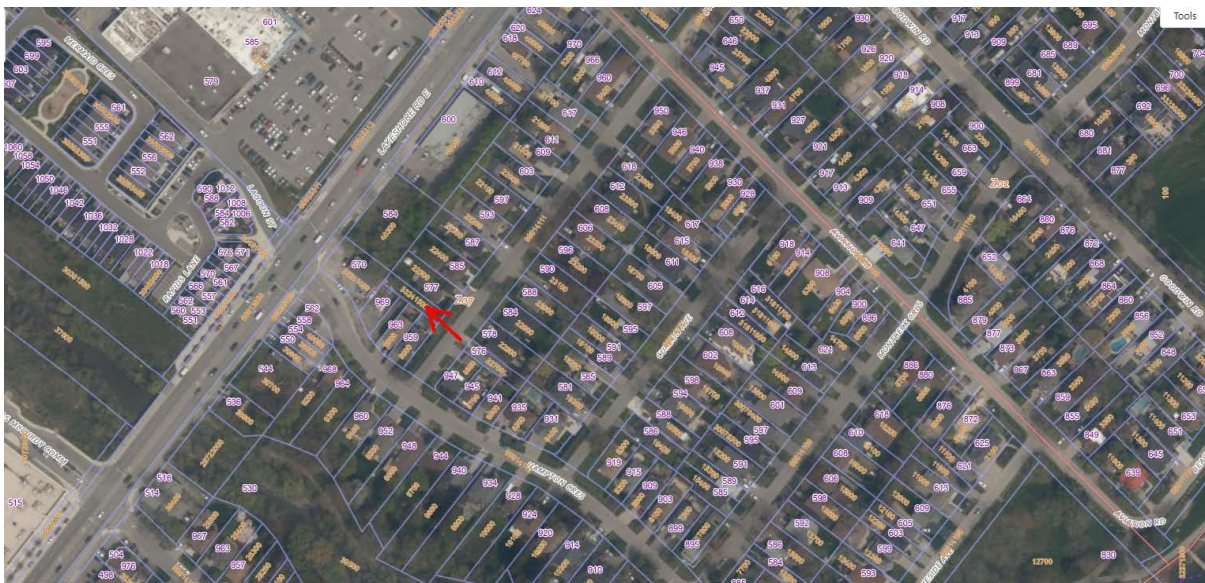
**Zoning:** R3-75 - Residential

**Other Applications:** Building Permit application BP 9NEW 24-3169

### 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 to a technical third storey.



## 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.

Staff note that the subject property was before the Committee of Adjustment on April 4, 2024, under file A142.24 for variances pertaining to side yard setbacks and eave height. Staff had recommended support at the time and the application was approved by the Committee. However, through discussions at the hearing, the variances were amended to capture the side

yard setbacks measured to the first and second storey individually. During the building permit process, Zoning staff identified that the basement would be considered as the first storey. As a result, the second storey is technically considered the third storey and requires a variance.

The current application seeks a side yard setback of 0.77m (2.53ft) measured to the third storey on both sides. Staff are of the opinion that the variance is technical in nature and have no concerns.

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: 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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 24/3169.

Comments Prepared by: John Salvino, Development Engineering Technologist



## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 24-3169. Based on the review of the information available in this application, the requested variance is correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Minan Song, 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