

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-10-30	File(s): A374.24 A375.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/7/2024 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 the accuracy of the requested variances and that additional variances are not required.

### 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.

### **Amendments**

Through correspondence with the agent, staff have received confirmation that Variance #4 pertaining to window wells is not required for both A374.24 and A375.24.

## **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**

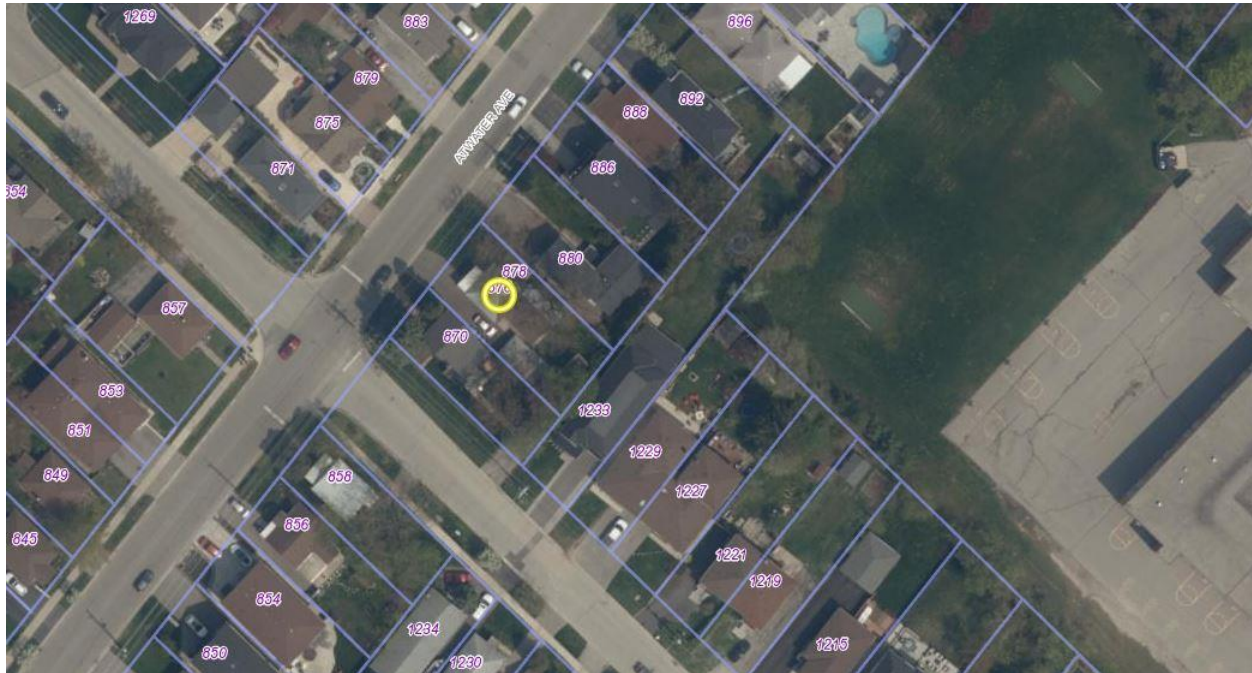
**Zoning: RM1-26-Residential**

**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 properties are 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 properties are 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 properties were previously before the Committee of Adjustment under file B39/23 A330/23 A331/23 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 was deferred on August 29, 2024, to address concerns regarding side yard setback measured from the window well to the retaining wall resulting in encumbered access to the rear yard. The applicant has revised the proposal to remove the window wells. Further,

through discussions with Transportation and Works staff, it has been established that the retaining wall in the side yard is a curb with a height of 5cm, which will not impact access to the rear yard.

The current proposal seeks variances for lot coverage and side yard setbacks.

Variance #1 pertains to an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that will impact the streetscape as well as abutting properties. Staff note that the proposed lot coverage is generally in line with other dwellings in the surrounding area. The dwelling itself represents 33.8% of the total lot coverage, which is within the permissible 35%. Additionally, the covered porch (2.25%) and rear patio (6.22%) contribute to an additional 8.47% to the overall lot coverage. Staff are satisfied that the increase in lot coverage does not represent an overdevelopment of the lot. Furthermore, the proposed coverage represents an appropriate balance between the existing and planned character of the area in this instance.

Variances #2 and #3 pertain to side yard setbacks. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer exists between structures on abutting properties, access to the rear yard is maintained and that drainage patterns are preserved. Staff are satisfied that the proposed setback of 1.2m is sufficient to provide access to the rear yard and ensure an appropriate buffer between neighbouring properties exists. Transportation and Works staff have not raised any drainage issues. Variance #3 is technical in nature as the setback is measured to the attached side of the semi-detached houses.

Variance #4 is not required as the revised drawings indicate that the proposed window wells have been removed. Further, the agent has confirmed the same to Planning staff via phone correspondence.

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

The updated plans that are included with this second submission now show that the window wells in the 2 side yards that this Department did not originally support have been removed. The plan now matches the previously approved plan that was reviewed by our Development Construction Section through the Building Permit process. We have no further concern.

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 variances 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

#### Forestry Comments

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 Technician, 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 Technician

#### **Appendix 4 – Region of Peel Comments**

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner