

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-04-24	File(s): A111.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/1/2025 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

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

1. An interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. An interior side yard setback of 1.33m (approx. 4.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A building height of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
4. A height to the eaves of 7.91m (approx. 25.95ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard setback building projection of 0.67m (approx. 2.20ft) whereas By-law 0225-2007, as amended, permits a maximum front yard setback building projection of 0.61m (approx. 2.00ft) in this instance;
6. A building projection width of 3.56m (approx. 11.68ft) whereas By-law 0225-2007, as amended, permits a maximum building projection width of 3.00m (approx. 9.84ft) in this instance; and
7. A rectangular area measured from the inside face of walls of the garage of 4.59m x 5.57m (approx. 15.06ft x 18.27ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area measured from the inside face of walls of the garage of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance.

## Background

**Property Address:** 1077 Orchard Rd

### Mississauga Official Plan

Character Area: Lakeview Neighborhood  
Designation: Residential Low Density II

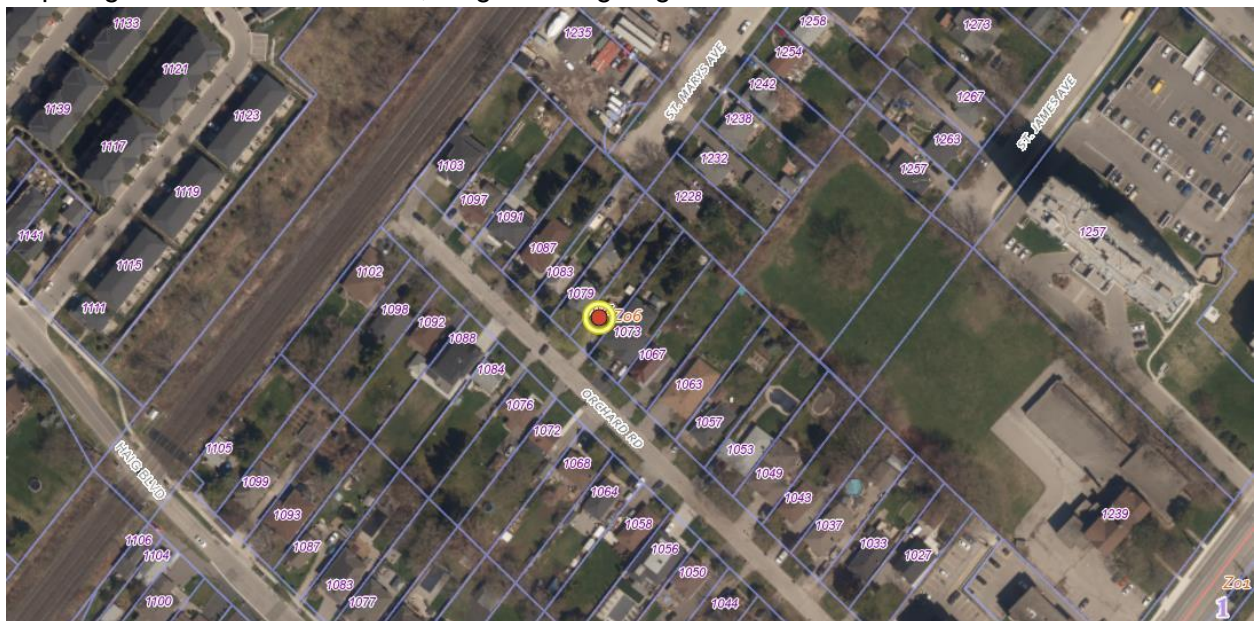
### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential  
**Other Applications:** Building Permit application 25-5848

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Lakeshore Road East and Dixie Road intersection. The immediate neighbourhood is primarily residential, consisting of old and new one and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a new detached dwelling with vegetation in the front yard.

The applicant is proposing to legalize the existing detached dwelling requiring variances for setbacks, heights and garage dimensions.



## 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:

Staff note that the subject property was previously approved for variances pertaining to flat roof height, setbacks and garage dimensions by the Committee of Adjustment under file A235.22 on May 10, 2022. Staff were supportive of the proposal at the time. Under file A235.22, the variance for flat roof height requested an increase of 0.1m or 0.3ft. Staff note that the dwelling design presented under file A235.22 was entirely different than the design under the current application. Building permit BP 9NEW 22 3611 was issued for the previous design in September 2024.

Through site inspections, it was noted that the dwelling that has been constructed was not in accordance with the drawings approved by the Committee and the original building permit.

A new building permit BP 9ALT 25 5848 was filed in January 2025 to legalize the existing dwelling. The current Committee of Adjustment application seeks variances pertaining to flat roof height, eave height, interior side yard setbacks, garage dimensions and building projection.

Variances #3 and #4 pertain to height of the flat roof and eave height. The applicant is proposing a flat roof height of 9.5m (approx. 31.17ft), where a maximum flat roof height of 7.5m (approx. 24.61ft) is permitted.

Planning staff have concerns about the dwelling flat roof and eave height. An increase of 2m is being sought for the dwelling height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, the intent is to restrict large flat roof dwellings which could accommodate a three-storey dwelling. Staff are of the opinion that the dwelling presents itself as three-storey dwelling from the streetscape. The immediate area primarily consists of one and two-storey detached dwellings, as such, the proposal is out of character with the neighbourhood.

Staff are of the opinion that the proposal does not maintain compatibility with the existing dwellings in the neighbourhood. These variances will create a dwelling with significant massing that will negatively impact the neighbourhood's character.

Staff are also of the opinion that the proposed dwelling and eave heights are excessive in nature and represent a major deviation from the permissible as-of-right regulations.

Staff note that Zoning staff have not confirmed the accuracy of the requested variances or if additional variances may be required. Further, staff are of the opinion that variances #5 and #6 appear to be oddly worded. As such, staff can not truly assess the impact of these variances and are unable to support the application as presented.

Staff are of the opinion that the built form being proposed is not appropriate, does not align with the existing neighbourhood character and poses major massing impacts. Staff are of the opinion that these variances are not minor in nature. As such, staff are of the opinion that the application be refused.

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 by our Development Construction Section through Building Permit BP 9ALT-25/5848.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 25-5848. 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.

An 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**

Development Engineering: Sabrina Martins ([sabrina.martins@peelregion.ca](mailto:sabrina.martins@peelregion.ca))(905) 791- 7800 x3094

#### **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.

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For more information, please contact Servicing Connections at (905) 791-7800 x7973 or by email at [servicingconnections@peelregion.ca](mailto:servicingconnections@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 [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design criteria. For more information, please contact Servicing Connections at (905) 791-7800 x7973 or by email at [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

Comments Prepared by:      Petrele Francois, Junior Planner