

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-05-01	File(s): A612.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/8/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended, subject to the recommended condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a height of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Department is processing Building Permit application 24-2940. Based on review of the information available in this application, we advise that following amendments are required:

Add the variances:

2. A lot coverage of 35.5% (245.46m²) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (242.54m²) in this instance;
3. An interior side yard setback to the second floor of 1.38m (approx. 4.52ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (5.93ft), in this instance.
4. A driveway width of 6.43m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m.

Recommended Conditions and Terms

1. Construction related to this variance shall be in general conformance with the drawings before the Committee.

Background

Property Address: 1258 St. Mary's Ave

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

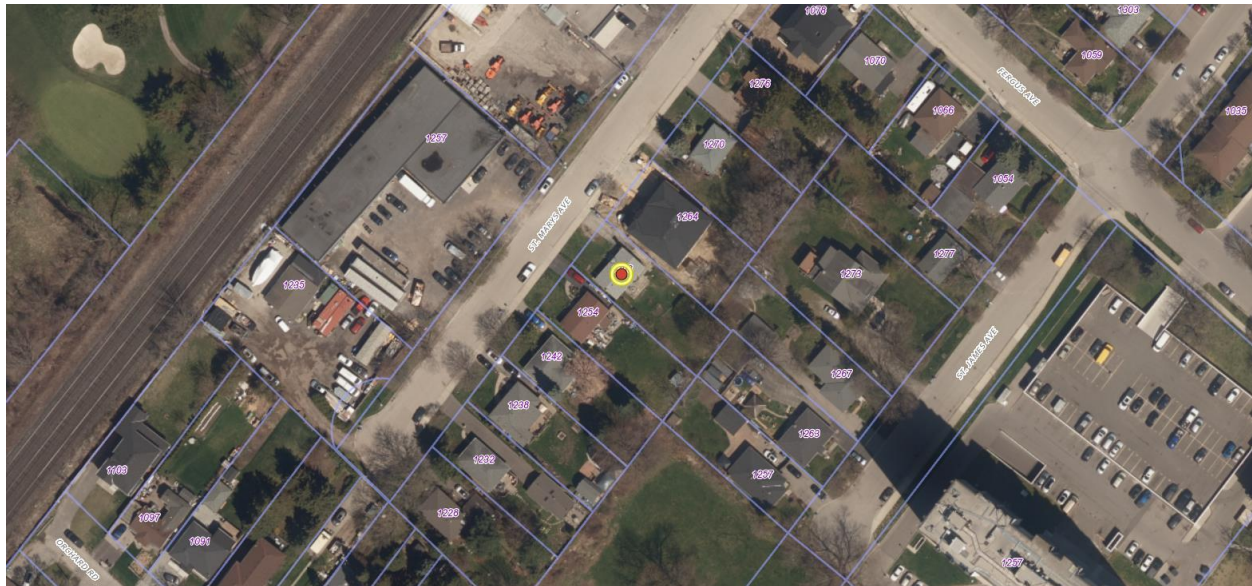
Zoning: R3-75 - Residential

Other Applications: BP24-2940

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Dixie Road and Lakeshore Road East intersection. The neighbourhood contains a mix of industrial, commercial and residential uses. The residential uses consist of high-density residential uses along Lakeshore Road East and one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one-storey single detached dwelling with vegetation in the front yard.

The application proposes a two-storey detached dwelling requesting a variance for dwelling height.



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:

This application previously came before the Committee of Adjustment on February 27th, 2025. The application was deferred to allow the applicant an opportunity to address Planning staff concerns regarding the dwelling height.

The applicant has worked with Planning staff to redesign the dwelling and reduce the overall dwelling height from 9.30m (30.51ft) to 8.50m (approx. 27.89ft). Zoning staff have identified 3 additional variances pertaining to lot coverage, side yard setback and driveway width.

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). The Residential Low Density II designation permits detached dwellings, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Staff are satisfied that the proposal respects the land use designation and appropriately balances the existing and planned characters of the surrounding area context and are of the opinion that the application maintains 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 flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling as compared to a sloped roof and to minimize negative impacts on the streetscape and neighbouring properties. Regulating the flat roof height also prevents a third storey as of right due to a combination of maximum permitted height and its architectural style. The design allows the proposed dwelling to present itself as 2 storeys in height. Staff are satisfied that the dwelling maintains an appropriate height and does not negatively impact the streetscape and neighbouring properties in this instance.

Variance 2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff are of the opinion that the 0.5% increase in coverage is minimal and that the proposal does not represent an overdevelopment of the subject property. The proposed development is in line with both original and newer dwellings in the surrounding context. Staff note that the dwelling accounts for approximately 32.5% of the lot coverage, while approximately 3% is attributed to the rear deck.

Variance 3 pertains to a second storey side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Staff note the proposed dwelling maintains the required side yard setbacks for the first storey on both the sides. The applicant is proposing to align the second storey on top of the first storey, requiring the 1.38m (approx. 4.52ft) setback on the east side. Staff are of the opinion that a reduction of 0.43m (1.41ft) is numerically minor in nature and does not pose any massing concerns, effectively maintaining an appropriate buffer.

Variance 4 requests an increase in driveway width. The intent of the driveway regulations in the by-law is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. Staff are of the opinion that the increase in driveway width is minor and does not significantly reduce the front yard landscaping. Furthermore, staff are satisfied that the proposed driveway width does not facilitate the parking of additional vehicles across the driveway, nor does it create excessive hardscaping on the property. Additionally, based on the latest drawings submitted the proposal has met the front yard landscaping requirements as by the zoning by-law, to ensure hardscaping is not the dominate feature of the front yard.

Given the above staff are of the opinion that the variances, both individually and cumulatively, maintain the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposal represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape when compared to an as of right condition. The requested variances, in the opinion of staff, are minor in nature.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

As per our previous comments for the February 27, 2025 hearing we note that any Transportation and Works Department concerns/requirements for the proposed garage will be addressed by our Development Construction Section through Building Permit BP 9NEW-24/2940.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-2940. Based on review of the information available in this application, we advise that following amendments are required:

Add the variances:

5. A lot coverage of 35.5% (245.46m²) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (242.54m²) in this instance;
6. An interior side yard setback to the second floor of 1.38m (approx. 4.52ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (5.93ft), in this instance.
7. A driveway width of 6.43m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m.

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: 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel 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. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at 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.

Comments Prepared by: Brian Melnyk, Development Engineering

Appendix 5 – Metrolinx

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for

the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:

Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review