

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-06-05	File(s): A149.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 6/12/2025 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 meets the requirements of Section 45(1) of the Planning Act, subject to the recommended condition. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. A height to a flat roof of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum height to a flat roof of 7.50m (approx. 24.61ft) in this instance;
2. The external heating, air conditioning, home back-up generator, and pool heating/filtering equipment to be located in the front yard, whereas By-law 0225-2007, as amended, does not allow the external heating, air conditioning, home back-up generator, and pool heating/filtering equipment to be located in the front yard in this instance; and
3. The external heating, air conditioning, home back-up generator, and pool heating/filtering equipment to be located on a rooftop, whereas By-law 0225-2007, as amended, does not allow the external heating, air conditioning, home back-up generator, and pool heating/filtering equipment on a rooftop in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend that the following condition be tied to the approval:

1. Appropriate screening be provided for Variances #2 and #3.

Background

Property Address: 134 Cumberland Dr

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

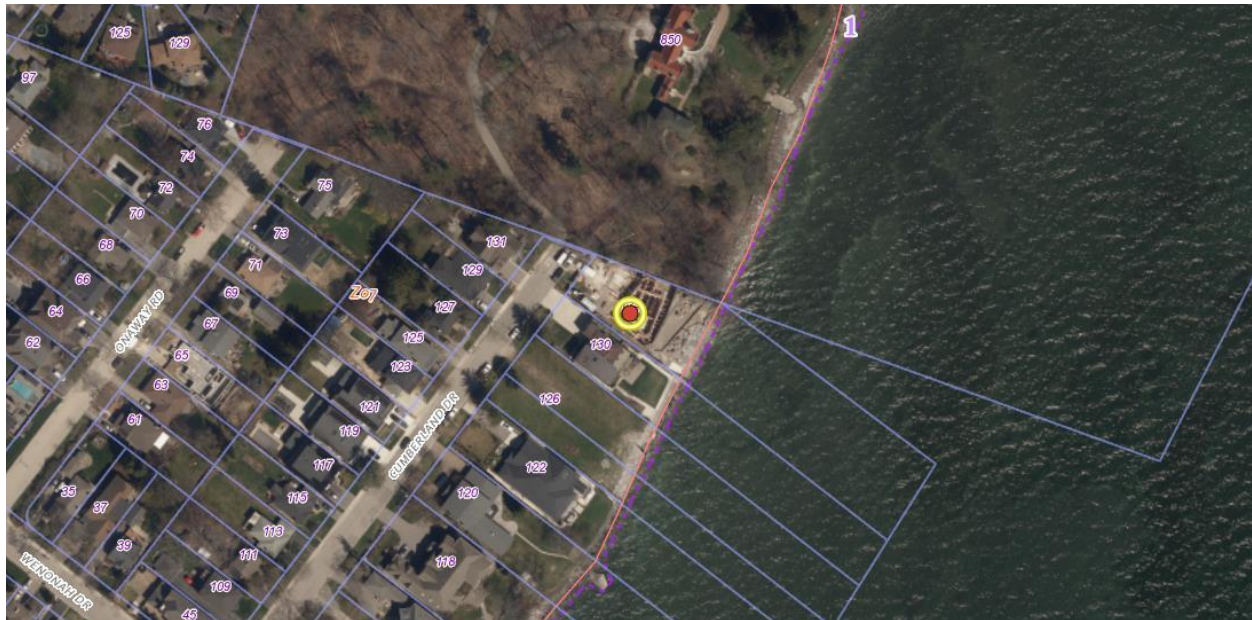
Zoning: R15-8 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, southwest of the Enola Avenue and Lakeshore Road East Intersection. Immediately abutting the property to the east is the Adamson Estate. The surrounding neighbourhood consists of one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property is currently under construction.

The applicant is proposing a new dwelling requiring variances related to the dwelling height, location of a generator in a front yard and location of condensers on a rooftop.



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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

On January 20, 2022, the Committee of Adjustment approved an identical design requesting variances related to eave height, interior side yard setbacks, dwelling unit depth and garage projection.

Variance #1 requests an increase in dwelling height. While the design of the proposal is consistent with the previous approvals, due to the unique and organic architectural design of the proposed dwelling, the roof is technically considered a flat roof. The curved roof design limits the height variance to a specific portion of the roof, thereby mitigating any potential the massing impacts. The dwelling is clearly two-stories in height and is in line with the intent of the by-law regulation.

Variances #2 and #3 propose to locate the external heating and cooling equipment on the roof of the dwelling and the back-up home generator in the front yard. The general intent of these

regulations is to ensure no negative visual or noise impacts to the streetscape or neighbouring properties. Staff note no variance is required for setbacks in the front yard and that the unique design of the roof mitigates potential impacts.

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 have been addressed by our Development Construction Section through Building Permit BP 9NEW-23/8032. There were no grading concerns.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

We note that a Building Permit (revision to 23-8032) 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: Carrie Chan Patch, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Adamson Estate (P-169), and zoned OS2-10 – Open Space - Community Park.

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

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- Conservation Authority Comments

Based on the review of the information provided, the proposed variances do not directly impact and/or are sufficiently setback from the natural hazards of interest to CVC. Furthermore, CVC staff has reviewed the proposed development as part of permit FF 22/342. As such, CVC staff have no objection to the approval of the proposed variance at this time.

Comments Prepared by: Stuti Bhatt, Junior Planner