

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-03-17	File(s): A414.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-25 1:00 PM

### Consolidated Recommendation

The City has no objections to the requested variances, as amended.

### Application Details

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

1. A gross floor area of 363.90sq.m (approx. 3916.99sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 297.15sq.m (approx. 3198.50sq.ft) in this instance;
2. An encroachment of a porch into the front yard of 2.08m (approx. 6.82ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch into the front yard of 1.60m (approx. 5.25ft) in this instance; and
3. A building height measured to the eaves of 7.09m (approx. 23.26ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

### Amendments

Variance #1 and 3 should be amended as follows:

- A gross floor area of 326 m<sup>2</sup> whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 297.15 m<sup>2</sup> in this instance;
- A building height measured to the eaves of 6.90 m whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m in this instance;

## Background

**Property Address:** 130 Angelene Street

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-1 (Residential)

### Other Applications:

Pre-Application: 20-1972

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and Mineola Road East. The neighbourhood is predominantly residential, consisting of one and two storey detached dwellings with some mature vegetation. Institutional uses are located north of the subject property. The subject property contains an existing one storey detached dwelling.

The application was previously deferred from the December 17<sup>th</sup>, 2020 Committee of Adjustment hearing to allow the applicant to work with staff and reduce the variances associated with the new dwelling. It should be noted that the revised plans have been submitted with this application, however, some of the variances have not been revised to reflect the plans. Variances #1 and 3 should be amended as follows as per the revised plans.

- A gross floor area of 326 m<sup>2</sup> whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 297.15 m<sup>2</sup> in this instance;
- A building height measured to the eaves of 6.90 m whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m in this instance;

It should be noted that the application no longer requires variances related to lot coverage and interior and combined side yard setbacks.



## 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:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. As per Section 16.18.1 of the Mineola Neighbourhood Character Area policies, new housing is encouraged to fit the scale and character of the surrounding area. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed dwelling maintains the character of the surrounding neighbourhood and is similar to newer two storey dwellings within the immediate area. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 and 3 propose an increase in gross floor area and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings while lessening the visual massing of the dwelling and bringing the edge of the roof closer to the ground, ultimately giving the dwelling a more human scale. In this instance, the overall height of the dwelling maintains by-law regulations of 9 m, thereby reducing the impact of the increased eave height. The proposed dwelling maintains the existing character of the neighbourhood in regards

to its massing and will not create any significant impact on the streetscape character from what is permitted. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a porch encroachment into a front yard. Through a review of this variance, the proposed encroachment is in line with neighbouring dwellings and makes up a small portion of the front façade of the dwelling, thereby maintaining a consistent streetscape. As such, staff is of the opinion that this variance is appropriate to be handled through the minor variance process. Further, this variance raises no concerns of a planning nature.

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

The proposed variances maintain the context of the surrounding neighbourhood and do not pose any significant impact to the streetscape character. The dwelling maintains the overall height of 9 m which lessens the impact of the increased eave height which is not a significant deviation from what is permitted. Additionally, the proposed gross floor area is similar to newer two storey dwellings within the immediate area and does not significantly alter the streetscape character, thereby maintaining the existing and planned character of the neighbourhood. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## **Conclusion**

The Planning and Building Department has no objections to the requested variances, as amended.

Comments Prepared by: Lucas Petricca, 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 subject property will be addressed through the future Site Plan Approval/Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-1972. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

-A proposed interior side yard setback of 1.50m for the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m for the second storey in this instance;

-A proposed combined side yard setback of 3.0m; whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 3.60m in this instance;

- A proposed lot coverage of 35.86% of the lot area (191.11m sq); whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area (186.52m sq) in this instance;

Our comments are based on the plans received by Zoning staff on 08/20/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

### Appendix 5 – 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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Diana Guida, Junior Planner