

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A263.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 1:00 PM

## Consolidated Recommendation

The City has no objection to the 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 642.99sq.m (approx. 6921.09sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 595.81sq.m (approx. 6413.25sq.ft) in this instance;
2. A building height measured to the highest ridge of 9.85m (approx. 32.32ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.16ft) in this instance;
3. A building height measured to the eaves of 6.99m (approx. 22.93ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 20.99ft) in this instance;
4. A dwelling depth of 24.90m (approx. 81.69ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
5. A driveway width of 8.00m (approx. 26.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;
6. An accessory structure height (rear fireplace) of 7.43m (approx. 24.38ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance; and
7. Two walkway attachments on one side of the driveway whereas By-law 0225-2007, as amended, permits a maximum of one walkway attachment per side of the driveway in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff

would note variance #6 should be amended as follows:

6. An accessory structure height (rear fireplace) of 7.43m (approx. 24.38ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.5m

The Building Department is currently processing a SP permit under file SPI-21/23. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

5. A driveway width of 8.00m (approx. 26.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;

Needs to be deleted from variance comments.

## Background

**Property Address:** 300 Indian Valley Trail

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

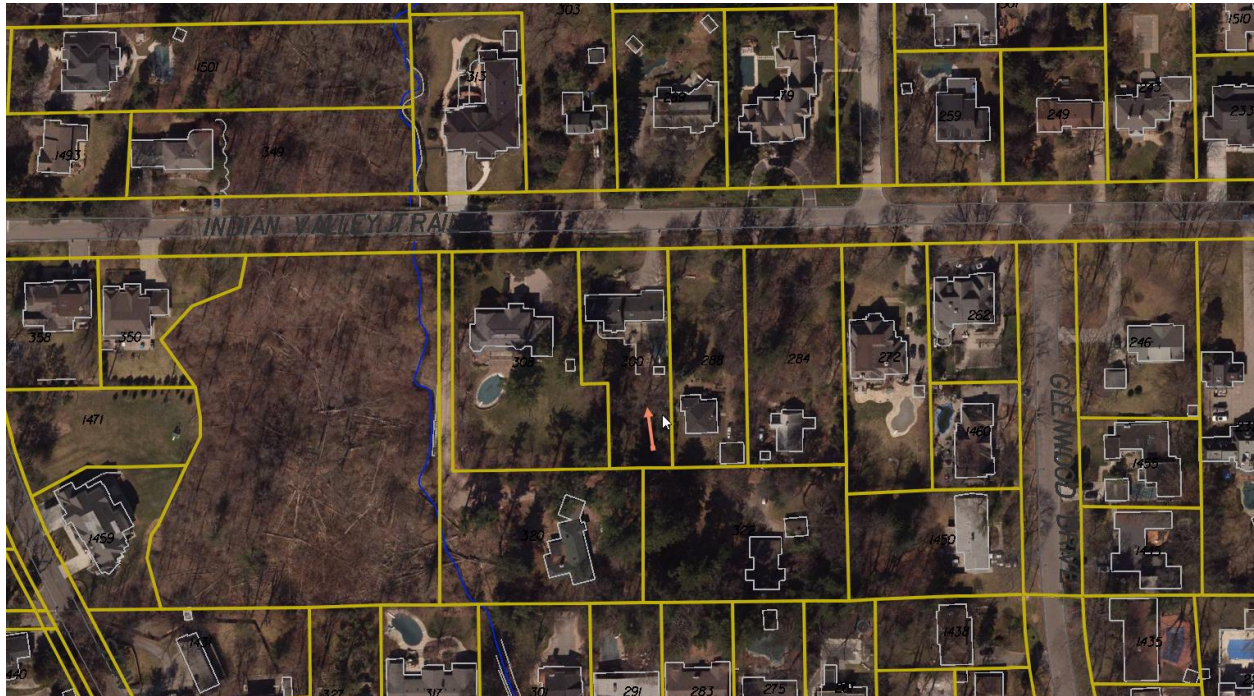
### Zoning By-law 0225-2007

**Zoning:** R2-5 - Residential

**Other Application:** SPI 21-23 W1

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Stavebank Road and Indian Valley Trail. The immediate neighbourhood is entirely residential consisting of two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in both the front and rear yards. The applicant is proposing to construct a new house requiring variances related to gross floor area, building height dwelling depth, driveway width accessory structure height and walkway attachments.



## 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 I in Schedule 10 of MOP. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area of MOP, refer to urban design policies regarding infill housing, which states that 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, thereby maintaining the character of the surrounding neighbourhood. Staff are 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 proposes a gross floor area of 642.99m<sup>2</sup>, while the by-law permits a maximum is 595.81m<sup>2</sup>. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey, thereby minimizing the overall massing in relation to the streetscape and neighbouring properties. The proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the establish neighbourhood character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2 and #3 pertain to height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, by managing the the overall pitch of the roof and keeping the dwelling within human scale. Staff are not concerned with these variances. The proposed heights are a minor deviation from the maximum height requirements contained in the zoning by-law.

Variance #4 proposes a dwelling depth of 24.90m. The maximum dwelling depth permitted in this instance is 20.00m. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. The increased dwelling depth is attributed to the proposed a covered rear patio, which extends 6.1 m into the rear yard. The proposed covered rear patio is not to be closed in with any exterior walls and therefore would not cause massing issues.

Variance #6 proposes an accessory structure height (rear fireplace) of 7.43m, while the maximum accessory structure height contained in the zoning by-law is 3.5m. The intent of this zoning by-law provision is to ensure that the accessory structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. While the proposed accessory structure (fireplace) height appears excessive, the fireplace is attached to the covered rear patio and uses coresponding exterior materials and finishes used on the dwelling, giving the appearance that it forms a part of the dwelling.

Variance #7 proposes two walkway attachments on one side of the driveway, while the By-law permits a maximum of only one walkway attachment per side . The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard of the dwelling and ensuring that such a walkway cannot be utilized for parking purposes. The size of the walkway attachments is 1.5m, which is in keeping with the walkway width requirement. Futhermore, utilizing the walkway attachments for parking purposes would be difficult based on the configuration of the area and its location.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the character of the neighbourhood. Furthermore, the dwelling contains features that breaks up the overall massing of the dwelling, thereby maintaining compatibility with the newer two storey dwellings. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, 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 are being addressed through the Site Plan Application process, File SPI-21/023.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a SP permit under file SPI-21/23. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

**5. A driveway width of 8.00m (approx. 26.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;**

Needs to be deleted from variance comments:

#### 4.1.9.13

For lots having a lot frontage of 18.0 m or greater, the maximum driveway width may be increased to 10.5 m for that portion of the driveway that is within 6.0 m of the garage face and which is providing direct vehicular access to the garage. The driveway width for that portion of the driveway that is beyond 6.0 m from the garage face is a maximum width of 8.5 m. The driveway shall not cover more than 50% of the area of the front yard and/or exterior side yard.

The lot frontage for this property is 30.48m.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo Zoning Examiner

**Appendix 5 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner