

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-11	File(s): A324.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-19 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as amended. 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 side yard (easterly) of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.40m (approx. 7.87ft) in this instance; and
2. A building height measured from average grade to the peak of the roof of 10.00m (approx. 32.80ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured from average grade to the peak of the roof of 9.00m (approx. 29.52ft) in this instance.

Amendments

The Building Department is currently processing a site plan application under file SPI 21-59 W1. Based on review of the information currently available in this permit application, we advise that the following variance should be amended as follows:

1. A side yard (easterly) of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance;

Background

Property Address: 501 Avonwood Drive

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Planning Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Lakeshore Road East and Cawthra Road. The immediate neighbourhood is entirely residential consisting of an eclectic mix of new two storey detached dwellings and older one storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing one storey dwelling with mature vegetation in the front yard.

The applicant is proposing to construct a new dwelling requiring variances related to side yard and building 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:

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 (MOP), which permits detached, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. As per Section 16.18.1.1 (Infill Housing) of the Mineola Neighbourhood Character policies, new housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours with respect to overshadowing and overlook. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character streetscape. 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 proposes a side yard (easterly) of 1.55m, when a minimum side yard of 2.41m is required. 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, and that access to the rear yard ultimately remains unencumbered. Staff are of the opinion that the proposed 1.55m side yard will provide an adequate buffer between the massing of the dwelling and structures on the adjacent property. Furthermore, the side yard (westerly) provides a greater setback of 2.78m to ensure access to the rear yard is unencumbered. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a building height measured from average grade to the peak of the roof of 10.00m, when the maximum building height measured from average grade is 9.00m. The intent of restricting height to the highest ridge is to restrict the height of the dwelling to limit the massing impact to neighbouring properties. While the proposed variance appears excessive, Staff note that there is a 0.62 m difference from the finished grade to average grade. If the dwelling was measured from finished grade, the overall height would be 9.38m. The height would represent a minor deviation from what is permitted and would be proportional in scale and consistent with two storey homes in the area. The staggered façade of the dwelling and architectural features helps to break up the overall massing of the dwelling as a result of the increased height. As such, Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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 any negative impact to the neighbourhood. The dwelling's height if measured from finished grade is a minor deviation from what is permitted. Furthermore, the dwelling's

staggered façade and architectural features that breaks up the overall massing of the dwelling as a result of the increased building height. The proposed side yards provide an adequate buffer to structures on adjoining properties and ensure access to the rear yard is unencumbered. As a result, the proposed dwelling maintains compatibility with newer two storey dwellings. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Departments have no objection to the variances, as amended. 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-20/059.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan application under file SPI 21-59 W1. Based on review of the information currently available in this permit application, we advise that the following variance should be amended as follows:

1. A side yard (easterly) of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance;

We also advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above site plan application submitted on 2021/04/21 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – 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

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 siteplanservicing@peelregion.ca

Comments Prepared by: Camila Marczuk (905) 791-7800 x8230