

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2021-08-11                | File(s): A208.21<br>Ward: 1           |
| To: Committee of Adjustment               |                                       |
| From: Committee of Adjustment Coordinator | Meeting date:2021-08-19<br>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 house proposing:

1. A gross floor area of 366.56sq.m (approx. 3,945.62sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 326.31sq.m (approx. 3,512.37sq.ft) in this instance;
2. A building height measured to the eaves of 6.79m (approx. 22.23ft) 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; and
3. A horizontal setback measured to the Metrolinx rail corridor of 15.15m (approx. 49.70ft) whereas By-law 0225-2007, as amended, requires a minimum horizontal setback distance to the Metrolinx rail corridor of 30.00m (approx. 98.43ft) in this instance.

## Background

**Property Address:** 86 Troy Street

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

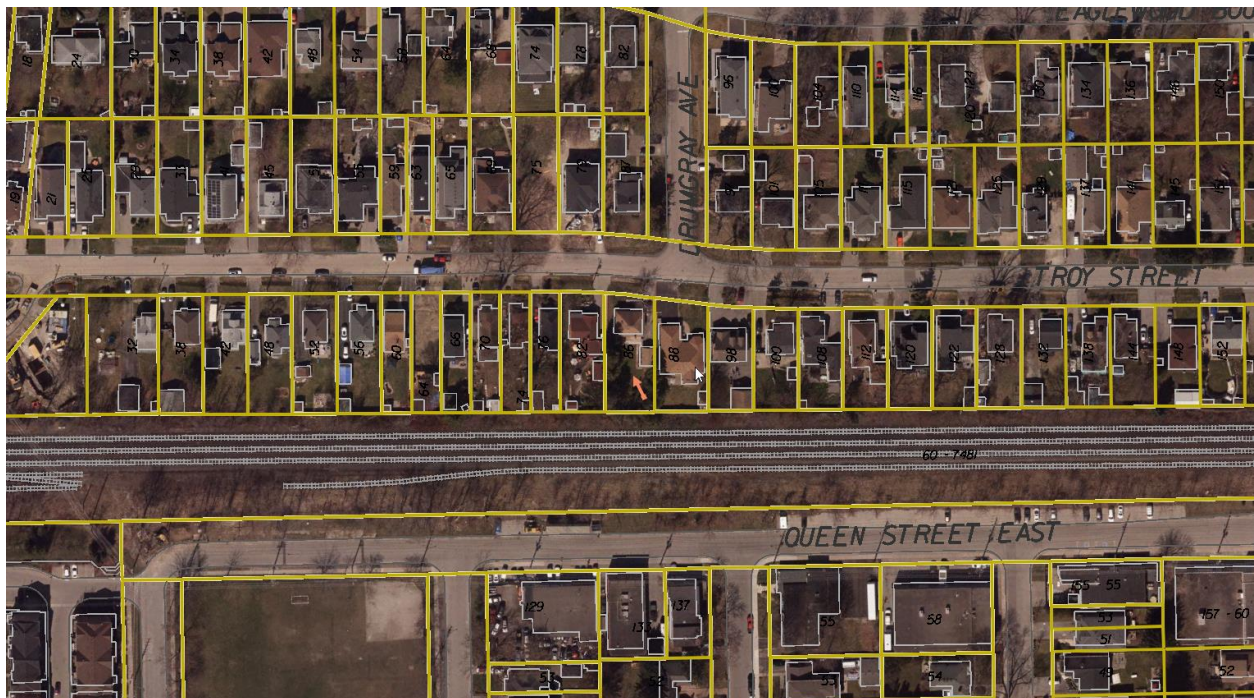
**Zoning:** R3-1 - Residential

**Other Applications:** Site Plan Application: 20-30

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and Eaglewood Boulevard. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with little vegetation. The subject property contains an existing one storey detached dwelling, adjacent to an existing railway corridor. The properties on the south side of Troy Street historically contain deficiencies related to setbacks measured to the railway.

The applicant is proposing a new two storey dwelling requiring variances regarding gross floor area, eave height, and a deficient setback to the railway.



## 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 and #2 pertains to gross floor area and eave height:

The application proposes a gross floor area of 366.56 m<sup>2</sup> and an eave height of 6.79m whereas a maximum gross floor area of 326.31m<sup>2</sup> and a maximum eave height of 6.40m is permitted. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The proposal is consistent with newer two storey dwellings within the immediate area and does not pose a negative impact to the character streetscape. Furthermore, most of the GFA proposed is towards the rear of the property and cannot be seen from the street.

The intent of restricting eave height is lessen the visual massing of the dwelling and bring the edge of the roof closer to the ground. This gives the dwelling a more human scale. In this instance, the overall height of the dwelling maintains by-law provisions of 9.50m, thereby reducing the impact of the increased eave height. The proposed dwelling contains architectural features that break up the first and second storey, which reduces the overall massing of the dwelling to the character streetscape.

Variance #3 pertains to a horizontal setback measured to the Metrolinx rail corridor:

The application proposes a horizontal setback measured to the Metrolinx rail corridor of 15.15m where a minimum horizontal setback distance to the Metrolinx rail corridor of 30.00m is required. Metrolinx and Transportation and Works staff have note that they will provide comments on the application through the Site Plan Approval process. Planning Staff have no concerns with this variance, as the proposed setback is consistent with the setback provided by neighbouring properties.

Staff note that the applicant has submitted a revised Site Plan Approval Application that is currently under review. The requested variances are based on drawings submitted with the revised Site Plan Approval application. Zoning's recommendation (in Appendix 2) was based off of the original Site Plan submitted. Staff compared the original application against the revised

application and informed the applicant's agent that additional variances may be required for the proposed walkway connection and three kitchens. Staff was advised by the applicant's agent that the additional variances would not be required and the proposal and drawings would be amended to ensure the walkway connection and kitchens comply with the zoning by-law.

Staff is of the opinion that the general intent and purpose of zoning by-law is maintained. Staff note that the Site Plan submitted is still under review. The applicant may choose to defer the application to ensure the variances are accurate.

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

The proposed dwelling maintains compatibility with newer two storey dwellings and does not alter the existing and planned character streetscape. The proposed dwelling contains architectural features that break up the first and second story of the dwelling, which limits the impact to the streetscape and neighbouring properties. Additionally, the proposed dwelling fits within the scale of the immediate 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 Departments have no objection to the variances. 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-20/030.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 20/030. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended/added as follows:

1. A gross floor area of 384.24m sq whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 326.31sq.m (approx. 3,512.37sq.ft) in this instance;
  2. Insufficient rear yard setback of 15.21m to the railway right-of-way, whereas By-law 0225/2007, as amended requires a minimum setback of 30.0m in this instance;
- Excessive walkway connection of 2.0m to the driveway, whereas By-law 0225-2007 as amended, permits a maximum walkway connection of 1.50m to the driveway, in this instance;
  - Three kitchens proposed, whereas By-law 0225-2007 as amended, permits 1 kitchen per dwelling unit, in this instance;

Our comments are based on the plans received by Zoning staff on 02/21/2021 for the above captioned site plan 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 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.

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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](mailto:siteplanservicing@peelregion.ca)