

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A354.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances. 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 an addition proposing:

1. A front yard measured to the second floor of 7.22m (approx. 23.69ft) whereas By-law 0255-2007, as amended, requires a minimum front yard measured to the second floor of 7.50m (approx. 24.60ft) in this instance; and
2. A dwelling setback to a railway right-of-way of 20.17m (approx. 66.17ft) whereas By-law 0225-2007, as amended, requires a minimum dwelling setback to a railway right-of-way of 30.00m (approx. 98.43ft) in this instance.

Background

Property Address: 52 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: n/a

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 mature vegetation in the front yards. The subject property contains an existing one storey detached dwelling with mature vegetation in the front yard. The property is 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 second storey addition and a new attached garage requiring variances regarding front yard 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. 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?

The application proposes a setback measured to the Metrolinx rail corridor right-of-way of 15.15m where a minimum setback distance of 20.17m is required. The intent behind the minimum setback distance to the railway is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of a building's residents and users is not negatively affected. Metrolinx, Transportation, and Works Staff 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 is of the opinion that the general intent and purpose of 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 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 storey 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.

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 addition will be addressed through the required future Site Plan/Building Permit Application process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner