

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A287.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00 PM

## Consolidated Recommendation

The City 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.

## Application Details

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

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1. A gross floor area – infill residential of 617.46sq.m (approx. 6.646.50sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 550.80sq.m (approx. 5928.76sq.ft) in this instance;
  2. A lot coverage of 26.77% (501.56sq.m) of the lot area, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (451.00sq.m)of the lot area in this instance;
  3. A combined width of side yards of 5.14m (approx. 16.86ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 10.22m (approx. 33.53ft) in this instance;
  4. A building height measured to the eaves of 6.85m (approx. 22.47ft) 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;
  5. A building height measured to the highest ridge of 10.16m (approx. 33.33ft) 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;
  6. A dwelling unit depth of 25.89m (approx. 84.94ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.80ft) in this instance;
- and,

7. A total of two attached garages whereas By-law 0225-2007, as amended, permits a maximum of one attached garage per lot in this instance.

## Background

**Property Address:** 1471 Stavebank Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

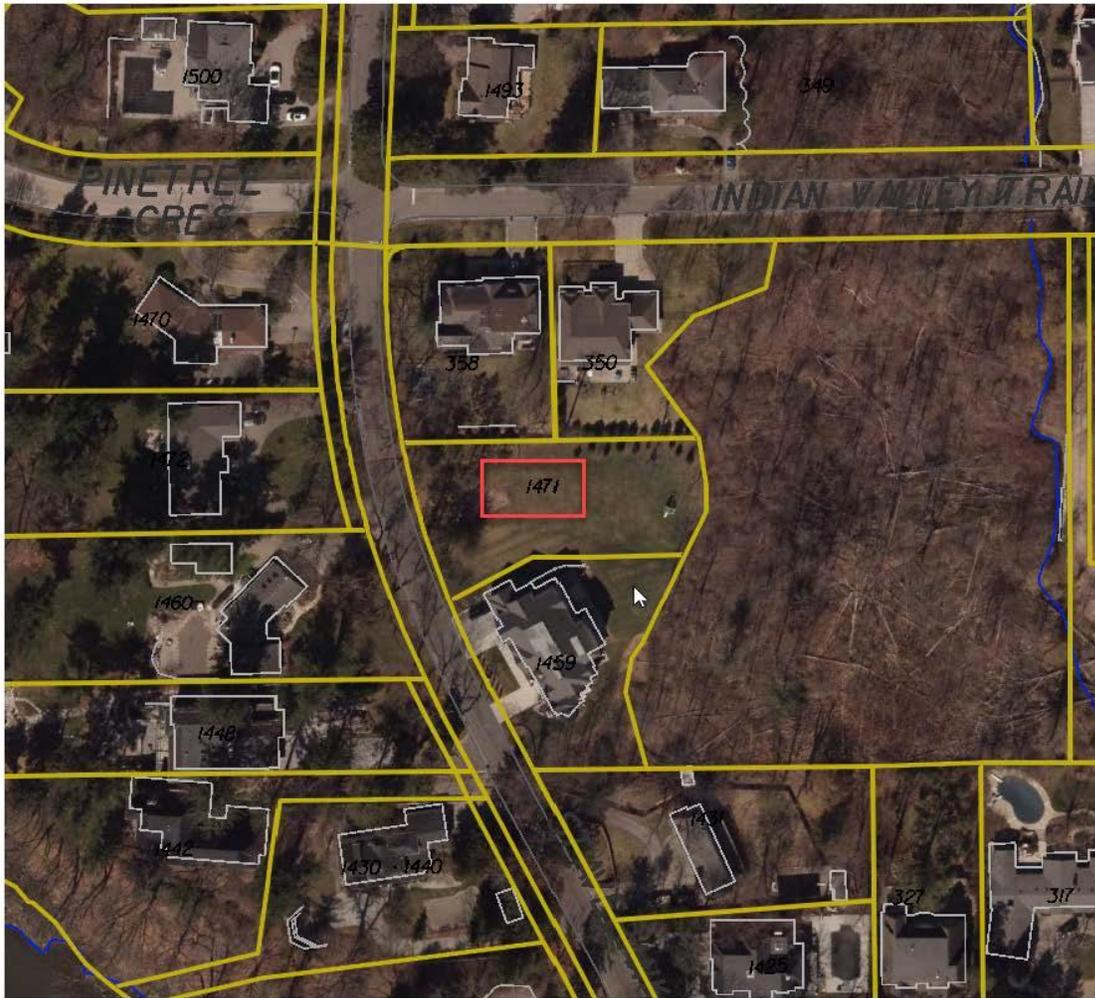
**Zoning:** R1-2 - Residential

**Other Applications:** SPI 21-51 W1

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Indian Valley Trail. The neighbourhood is entirely residential, consisting of one storey and two storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property is vacant with mature vegetation lining the property's frontage and northerly side yard.

The applicant is proposing a new two storey dwelling requiring variances related to gross floor area, lot coverage, combined width of side yards, building heights and dwelling unit depth and number of garages.



## 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 are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings. 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 regarding 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.

Variance #1 pertains to Gross Floor Area (GFA). The applicant has proposed a GFA of 641.15m<sup>2</sup>, while the maximum permitted GFA is 550.80m<sup>2</sup>. The intent of the infill regulations regarding GFA and height 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, creating a more human scale. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. Furthermore 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. Finally, most of the proposed GFA increase is located towards the rear of the property and cannot be seen from the street.

Variances #4 and #5 pertain to building height. The intent of restricting building height to the highest ridge and eaves is to regulate the visual massing of dwelling, by managing the overall pitch of the roof and keeping the dwelling within human scale. Staff are not concerned with these variances. While the proposed variance appears excessive, Staff note that there is a 0.60 m difference from the finished grade to average grade. If the dwelling was measured from finished grade, the overall height would be 9.56m and the height measured to the eaves would be 6.25m. The overall height would represent a minor deviation from what is permitted and the height measured to the eaves would not require a minor variance. The proposed heights are proportional in scale and consistent with two storey homes in the area. Furthermore, architectural features helps to break up the overall massing of the dwelling as a result of the increased height.

Variance #7 pertains to the proposed garages. The applicant has proposed a total of two attached garages. The intent in restricting the overall number of garages is to ensure that the detached dwelling remains residential in nature. Additionally, this portion of the by-law serves to

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minimize the visual impact resulting from multiple or excessive garage faces fronting onto a street. Staff has no concerns with the two garages proposed, as one of them is single garage is not visible when standing perpendicular to the front facade.

With respect to the remaining variances, Staff have no issues with the proposed lot coverage (Variance #2), as the dwelling itself covers about 20.5% of the property while the permitted maximum is 25%. The variance requested for the deficient combined width of the side yard (Variance #3) is not of concern to staff as the applicant has not requested variances for the individual side yards, and dwellings abutting the subject property to the north and east are adequately buffered from the subject property by way of mature vegetation, natural features and large rear yards. Furthermore, the wall facing the property to the south is staggered and contains architectural features and materials that ensures the reduced combined width of side yard would not create any massing issues.

Staff has no concerns with the applicant's proposed dwelling depth (Variance #6). As mentioned, the properties to the north and east contain mature vegetation, natural features and large rear yards providing a sufficient buffer from the proposed dwelling. While the property to the south does not contain these screening/buffer elements, based on how dwelling depth is calculated, and given the irregular shape of the lot, the property to the south would only view about 22m of the proposed dwelling's depth, which is a minor deviation from the zoning by-law requirement of 20m. As such, Staff are of the opinion that the intent and purpose of the zoning by-law is maintained.

The proposed dwelling includes architectural features, which breaks up the overall massing and height of the dwelling. Additionally, the dwelling contains a staggered south wall with various materials that breakup it's massing. The proposal is consistent with newer two storey dwellings within the immediate area and does not pose a negative impact to the streetscape character.

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-21/051.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file SPI 21-51. Based on review of the information currently available in this permit application, we 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 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: Alana Zheng, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as P-510 (Not Yet Named) and within Residential Woodland, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given that the subject lands are subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Tree preservation/ Woodland protection hoarding and securities may be required as part of the application process.
2. Stockpiling, construction access and encroachment of construction materials in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)