

City of Mississauga Department Comments

Date Finalized: 2021-09-28	File(s): A301.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 3:00:00 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 a new dwelling proposing:

1. A gross floor area of 371.00sq.m (approx. 3,993.41sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 344.41sq.m (approx. 3,707.20sq.ft) in this instance;
2. An encroachment of a window well into the required exterior side yard of 4.13m (approx. 13.55ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a window well into the required exterior side yard of 0.61m (approx. 2.00ft) in this instance;
3. An encroachment of a window well into the required interior side yard of 1.42m (approx. 4.66ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a window well into the required exterior side yard of 0.61m (approx. 2.00ft) in this instance;
4. A front yard of 6.19m (approx. 20.31ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.60ft) in this instance;
5. An encroachment of a porch, inclusive of stairs, into the required exterior side yard of 5.04m (approx. 16.54ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, into the required exterior side yard of 1.60m (approx. 5.25ft) in this instance;
6. An interior side yard (measured from the closest point of the dwelling) of 2.44m (approx. 8.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 3.00m (approx. 9.84ft) in this instance;
7. An encroachment of a deck into the required exterior side yard of 4.13m (approx. 13.55ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a deck into the required exterior side yard of 1.60m (approx. 5.25ft) in this instance;
8. A garage projection of 6.14m (approx. 20.14ft) beyond the front wall of the dwelling whereas By-law 0225-2007, as amended does not permit a garage projection in this instance.

9. An exterior side yard (measured from the closest point of the dwelling) of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.60ft) in this instance;

10. An eave height of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;

11. A dwelling depth of 23.77m (approx. 77.99ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and

12. A driveway width of 6.78m (approx. 22.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance.

Background

Property Address: 168 Kenollie Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

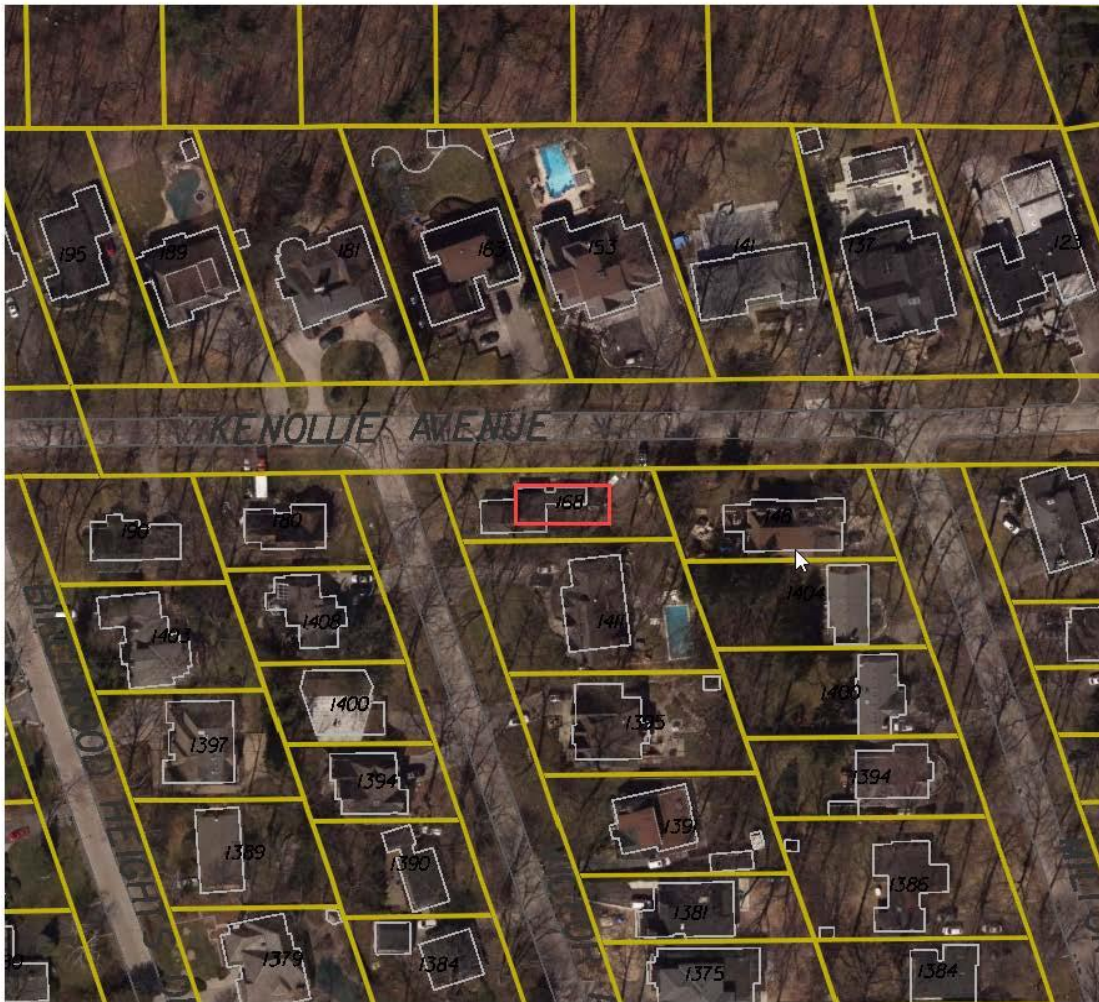
Zoning: R2-1 - Residential

Other Planning Applications: SP 20-138 W1

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Hurontario Street and Mineola Road West. 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 contains a one storey bungalow on a corner lot with mature vegetation in the property's front and side yards.

The applicant is proposing a new two storey dwelling requiring variances related to gross floor area, encroachment of window well, porch and deck; front yard; lot coverage; combined width of side yards; exterior side yard; garage projection; building heights; driveway width and dwelling unit depth.



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?

Planning Staff advise that drawings provided by the applicant do match the variances requested. Zoning Staff's comments are based on outdated drawings submitted through a preliminary zoning application.

Variances #1 and 10 propose an increased gross floor area and height to eaves. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey of the dwelling, resulting in the appearance of a reduced overall building massing, which is reflective of the established streetscape. The proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2, 3, 5 and 7 pertain to encroachments. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines. Staff is of the opinion that the encroachment variances requested are required due to the irregular shape of the subject property. Furthermore, these variances do not raise any concerns of a planning nature. Variances #4, 6 and 9 pertain to the side and front yards. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff have no concerns with the proposed front yard variance, as the existing front yard is less than what is proposed. Furthermore, the proposed front yard is consistent with front yards on corner lots in the immediate neighbourhood. The intent of the interior side yard setback 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. The proposed interior side yard is also less than what currently exists on the property. Since the subject property is a corner lot, access to the rear is maintained from the exterior lot line. The general intent of exterior side yard is to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff note the existing exterior side yard is less than what is being proposed. Furthermore, staff has found similar deficiencies for exterior side yards on corner lots in the immediate neighbourhood.

Variance #8 pertains to garage projection. A garage projection of 6.14m (approx. 20.14ft) beyond the front wall of the dwelling is proposed, where a garage projection is not permitted. Staff has no concerns with this variance, as it is only required because of the configuration of the dwelling. The garage does not visually project outward beyond the main wall of the dwelling; the second storey located above the garage gives the illusion that there is no projection at all.

Variance #11 pertains to dwelling depth. A dwelling depth of 23.77m (approx. 77.99ft) is proposed where a maximum dwelling depth of 20.00m (approx. 65.62ft) is permitted. 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. Staff are not concerned with the proposed dwelling depth as the westerly wall adjacent to the property is staggered and contains architectural elements to breakup the wall's massing. Furthermore, a significant amount of mature vegetation is located on the adjacent property to the east, providing an additional buffer and screening from the dwelling's massing. Lastly, the applicant is not requesting an overall height variance, and the eave height requested is a minor deviation from what is required. Therefore, staff are of the opinion that the massing impacts to the adjacent property would be negligible.

Variance #12 pertains to driveway width. The intent of this portion of the By-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping (front yard). A driveway width of 6.78m (approx. 22.24ft) is proposed, where a maximum driveway width of 6.00m is permitted. The proposed driveway width is a minor deviation from what is permitted. Furthermore, the proposed driveway width will not accommodate additional parking from what is required for the dwelling.

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 impacts 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.

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-21/138.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a preliminary zoning application under file PREAPP 20-172. Based on review of the information currently available in this permit application, the following variances, as requested are correct:

2. An encroachment of a window well into the required exterior side yard of 4.13m (approx. 13.55ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a window well into the required exterior side yard of 0.61m (approx. 2.00ft) in this instance;
3. An encroachment of a window well into the required interior side yard of 1.42m (approx. 4.66ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a window well into the required exterior side yard of 0.61m (approx. 2.00ft) in this instance;
5. An encroachment of a porch, inclusive of stairs, into the required exterior side yard of 5.04m (approx. 16.54ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, into the required exterior side yard of 1.60m (approx. 5.25ft) in this instance;
6. An interior side yard (measured from the closest point of the dwelling) of 2.44m (approx. 8.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 3.00m (approx. 9.84ft) in this instance;
9. An exterior side yard (measured from the closest point of the dwelling) of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.60ft) in this instance;
10. An eave height of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
11. A dwelling depth of 23.77m (approx. 77.99ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and

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

Please note that comments reflect those provided through the above permit application submitted on 05/28/2020 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.

INTERNAL NOTE: SPI 21- 138 has been submitted on Eplans however it has not be reviewed to verify the changes.

Comments Prepared by: Jeanine Benitez-Bumanglag