

# City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A385.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A side yard setback (westerly) of 1.50m (approx. 4.92ft) to the first floor rear addition whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
2. A side yard setback (westerly) of 1.50m (approx. 4.92ft) to the second floor addition whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
3. An existing side yard setback (westerly) of 1.50m (approx. 4.92ft) to the first floor whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
4. An existing side yard setback (easterly) of 1.30m (approx. 4.27ft) to the attached garage whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. An existing combined width of side yards of 2.80m (approx. 9.19ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.94m (approx. 16.21ft) in this instance;
6. An existing side yard setback of 0.18m (approx. 0.59ft) to the walkway on the east side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
7. An existing driveway width of 7.12m (approx. 23.36ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
8. A height of eaves of 6.53m (approx. 21.42ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address:** 1274 Minnewaska Trail

### 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 Infill: SPI 21/077

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and Mineola Road West. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing an addition to the existing dwelling requiring variances related to side yards, driveway width and eave height.



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*.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached dwellings.

The applicant has requested the Committee approve minor variances to allow the construction of a second storey addition to the existing dwelling. Variances #1-6 pertain to side yard setbacks. The general intent of the side yard setback requirements are 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 note that variances #3-6 are existing and will therefore will have a no impact on the neighbouring properties. Furthermore, a thorough review of the immediate neighbourhood revealed similar deficiencies for detached dwellings. The proposed side yard setbacks are not out of character within the

immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard remains unencumbered.

Variance #7 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). An existing driveway width of 7.12m (23.36ft) is proposed, where a maximum driveway width of 6.00m (19.69ft) is permitted. The proposed driveway cannot accommodate more than the required two spaces (side by side) for a detached dwelling, ensuring the intent of the zoning by-law is met. Furthermore, the subject property has a 18.3m (60ft) frontage, which ensures a large amount of soft landscaping will be maintained in the front yard. Lastly, driveways of a similar size can be found in the immediate area.

Variance #8 pertains to the height of the eaves. The intent of restricting height is to lessen the visual massing of the dwelling thereby keeping the dwelling at a human scale. The proposed increase in eave height does not have any significant impact on the massing of the dwelling. Furthermore staff note that an overall height variance has not been requested, which helps keep the building massing within an appropriate scale.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning 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 Site Plan Application process, File SPM-21/077.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-77. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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