

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A349.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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 448.00sq.m (approx. 4,822.23sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 398.82sq.m (approx. 4292.86sq.ft) in this instance;
2. A lot coverage of 33.7% (352.15sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% (313.23sq.m) in this instance;
3. A garage height 5.81m (approx. 19.06ft) whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.6m (approx. 15.1ft) in this instance;
4. A garage height measured to the eaves of 3.65m (approx. 11.98ft) whereas By-law 0225-2007, as amended, permits a maximum garage height measured to the eaves of 3.0m (approx. 10.0ft) in this instance;
5. A front yard setback to the eaves of 7.97m (approx. 26.15ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 8.55m (approx. 28.05ft) in this instance;
6. A combined width of side yards of 5.22m (approx. 17.13ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.17m (approx. 20.24ft) in this instance; and
7. An easterly side yard measured to the eaves of 1.81m (approx. 5.94ft) whereas By-law 0225-2007, as amended, requires a minimum easterly side yard measured to the eaves of 1.96m (approx. 6.43ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Approval application under file SPI 21-5. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a new two storey detached dwelling and detached garage on the subject property proposing:

1. A gross floor area - infill residential of 448.00sq.m (approx. 4,822.23sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 398.82sq.m (approx. 4292.86sq.ft) in this instance;
6. A combined width of side yards of 5.22m (approx. 17.13ft) measured to eaves larger than 0.45m; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.17m (approx. 20.24ft) measured to eaves larger than 0.45m in this instance; and

Background

Property Address: 81 Mineola Road West

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-1 - Residential

Other Planning Applications:

Site Plan (SPI 21-5 W1) and Building Permits (BP 9 NEW 20 – 3280 and BP 9 NEW 21-6363)

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Hurontario Street and Mineola Road West. The neighbourhood is primarily residential, consisting of an eclectic mix of older and newer one and two storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a two storey single detached dwelling with mature vegetation in the front yard.

The application proposes a new two storey dwelling requiring variances related to gross floor area, lot coverage, garage heights, front yard and side yards.



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 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 in order 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.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. 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. The proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #2 pertains to lot coverage. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 23%, which is less than the maximum permitted under the by-law. The portion of the lot coverage that exceeds the by-law is only attributable to the porch, deck and detached garage. The porch and deck do not add significant massing to the overall dwelling and represent a marginal increase from what is currently permitted. The detached garage is located in the rear yard and only a small portion of the garage can be seen from the street.

Variances #3 and 4 pertain to garage height. The intent of the zoning by-law regulations for detached garages is to ensure that a detached garage is sufficiently setback from neighbouring lots, is proportional to the lot and dwelling, and would not create a negative impact regarding drainage. Staff note that there is a 0.35m (1.15ft) discrepancy between established grade (the elevation of the street) and grade. When viewed from grade, the garage would appear lower than when viewed from the street. The overall garage height appears excessive; however, the garage contains materials and architectural features, such as stucco, stone, and windows within the roofline and moldings, which mitigate any massing concerns. Furthermore, the garage does not require any additional variances for area or setbacks. The eave height when viewed from grade is a minor deviation from the zoning by-law's requirement.

Variances #5, 6 and 7 pertain to setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed 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 is unencumbered. These variances raise no concerns of a planning nature.

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

The proposed dwelling includes architectural design features that breaking up the overall massing of the dwelling. Additionally, the proposal is consistent with newer two storey dwellings within the immediate area and does not pose a negative impact to the streetscape character. Staff are of the opinion that the development is desirable and that the proposed variances are 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 SPI-21/005.

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 21-5. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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1. A gross floor area - infill residential of 448.00sq.m (approx. 4,822.23sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 398.82sq.m (approx. 4292.86sq.ft) in this instance;
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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: Brian Bonner, Supervisor