

# City of Mississauga Department Comments

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| Date Finalized: 2022-09-07                | File(s): A395.22                      |
| To: Committee of Adjustment               | Ward: 1                               |
| From: Committee of Adjustment Coordinator | Meeting date:2022-09-15<br>1:00:00 PM |

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 application for a new building proposing:

1. A front yard setback of 6.0m (approx. 19.7ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 7.5m (approx. 24.6ft) in this instance;
2. An interior side yard setback to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. A combined side yard setback of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, requires a combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
4. A lot coverage of 43.7% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
5. A gross floor area of 279.02sq m (approx. 3003.35sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 270.12sq m (approx. 2907.55sq ft) in this instance;
6. A building height of 8.08m (approx. 26.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.6ft) in this instance; and,
7. A front yard encroachment setback to the porch/stairs of 3.86m (approx. 12.66ft) whereas By-law 0225-2007, as amended, requires a front yard encroachment setback to the porch/stairs of 5.90m (approx. 19.36ft) in this instance.

## Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 22-64 W1. Based on review of the information currently available in this permit application, variances # 2, 3 and 5, as requested are correct.

The following variances should be amended as follows:

4. A lot coverage of 43.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
6. A flat roof dwelling height of 8.08m (approx. 26.51ft) whereas By-law 0225-2007, as amended, permits a maximum height of a flat roof dwelling height of 7.50m (approx. 24.6ft) in this instance; and,
7. A front yard setback to the porch of 3.86m (approx. 12.66ft) whereas By-law 0225-2007, as amended, requires a front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance.

## Background

**Property Address:** 172 Angelene St

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Low Density II

### Zoning By-law 0225-2007

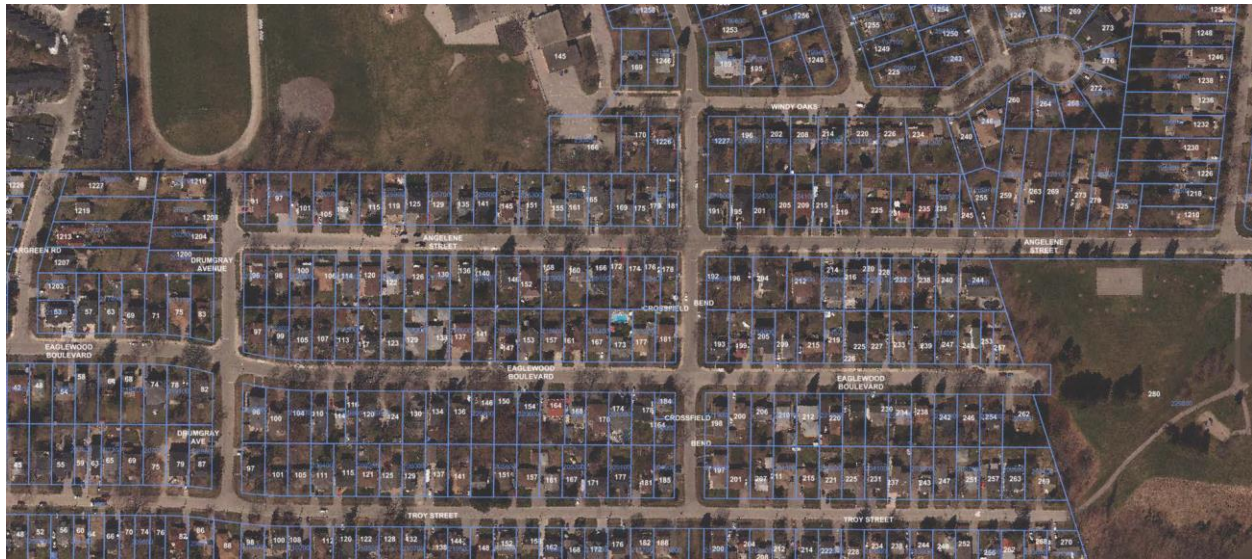
**Zoning:** r3-1 - Residential

**Other Applications:** Site Plan Infill application under file SPI 22-64 W1

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Hurontario Street and Mineola Road East intersection. The immediate neighbourhood is primarily residential, consisting of older and newer one and two-storey detached dwellings. The subject property contains an existing one-storey detached dwelling with little vegetation in the front yard.

The applicant is proposing to construct a new detached dwelling requiring variances related to setbacks, height, lot coverage and gross floor area.



## 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, duplex, triplex and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variances #1 and 7 pertain to front yard setbacks. 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 note that the proposed front yard setbacks are greater than the existing front yard setbacks. Furthermore, the proposed front yard setbacks are consistent with front yard setbacks found on the abutting properties to the east and west.

Variances #2 and 3 pertain to side yard setbacks. Variances #2 is for an interior side yard setback to the second storey of the dwelling, while Variance #3 is for a combined side yard setback. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings.

Variances #4 and 5 are regarding lot coverage and gross floor area. The applicant is proposing a gross floor area (GFA) that is 9.1m<sup>2</sup> (96.87ft<sup>2</sup>) over the maximum permitted GFA. Staff are of the opinion that this variance is negligible and represents a minor deviation from the maximum GFA permitted. In addition, a lot coverage of 43.7% is proposed, where a maximum lot coverage of 35% is permitted. While this appears excessive, the dwelling accounts for 38% of the proposed lot coverage and contains architectural features that define the first and second storeys, ultimately visually breaking up its overall massing. The additional lot coverage can be attributed to the front porch and the rear balcony, which are open structures and do not add significant massing to the dwelling.

Variance #6 pertains to flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that would have been permitted to a maximum height of 10.70m (35.1ft) and ultimately could accommodate a three-storey dwelling due to its architectural style. The proposed dwelling is two-storeys and has a proposed height that is a minor deviation from the maximum permitted. The additional height would have a negligible impact to the abutting properties and neighbourhood as a whole.

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

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

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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 will be addressed by our Development Construction Section through the future Site Plan approval process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

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4. A lot coverage of 43.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
6. A flat roof dwelling height of 8.08m (approx. 26.51ft) whereas By-law 0225-2007, as amended, permits a maximum height of a flat roof dwelling height of 7.50m (approx. 24.6ft) in this instance; and,
7. A front yard setback to the porch of 3.86m (approx. 12.66ft) whereas By-law 0225-2007, as amended, requires a front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance.

Lastly, variance # 1 can't be confirmed at this time as it appears there is a projection off the second storey in the front yard that has not been shown with a setback on the Site Plan.

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: Brandon Eidner, Zoning Examiner

### **Appendix 3– Region of Peel**

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Camila Marczuk, Development Engineering

**Appendix 4- Metrolinx**

Metrolinx is in receipt of the minor variance application for 172 Angelene St to facilitate the construction of a new two-storey detached home with attached garage. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Harrison.Rong@Metrolinx.com](mailto:Harrison.Rong@Metrolinx.com) with questions and to initiate the registration process.

Comments Prepared by: Harrison Rong, Project Coordinator