

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): A503.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-11-10 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 a new dwelling proposing:

1. A front yard setback to a window well of 11.14m (approx. 36.55ft) whereas By-law 0225-2007, as amended, requires a front yard setback to a window well of 11.39m (approx. 37.37ft) in this instance;
2. A lot coverage of 30.96% whereas By-law 0225-2007, as amended, requires a lot coverage of 25% in this instance;
3. A gross floor are for an infill development of 406.63sq m (approx. 4376.93sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area for an infill development of 360.32sq m (approx. 3878.45sq ft) in this instance;
4. A combined side yard width of 5.16m (approx. 16.93ft) whereas By-law 0225-2007, as amended, requires a combined side yard width of 6.42m (approx. 21.06ft) in this instance;
5. A rear yard setback of 6.04m (approx. 19.82ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,
6. An eaves height of 6.99m (approx. 22.93ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 22-28. Based on review of the information currently available in this permit application, the variances as requested are correct.

In addition, we advise that the following additional variances should be added:

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7. A front yard setback to eave overhang of 11.51m (approx. 37.76ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 12.0m (approx. 39.37ft) in this instance;
8. An interior side yard setback to eave overhang of 1.93m (approx. 6.33ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 2.41m (approx. 7.91ft) in this instance.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #3 should be amended as follows:

3. A gross floor area – infill residential of 367.60sq m (approx. 3956.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area for an infill development of 360.32sq m (approx. 3878.45sq ft) in this instance.

Background

Property Address: 103 Glenview Dr

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

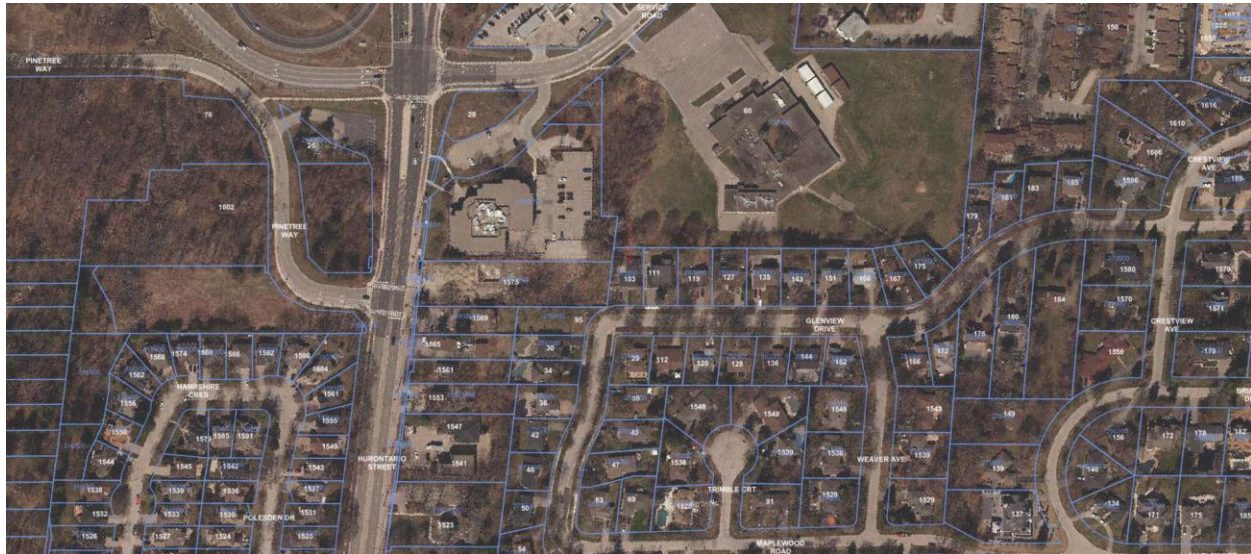
Zoning: R1-1 - Residential

Other Applications: SPI 22-28, PAM 22-31, TRP 22-376

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Hurontario Street and the Queen Elizabeth Way underpass. The immediate neighbourhood is entirely residential, consisting of one, one and a half and two-storey detached dwellings with mature vegetation and landscape elements in both the front and rear yards. The subject property contains a one-storey dwelling with mature vegetation in the rear yard.

The applicant is proposing a new two-storey dwelling requiring variances related to side yard widths, lot coverage, gross floor area, eave height and setbacks.



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.

Variance #1 relates to a front yard setback. 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. The requested reduction is to accommodate a window well located in the front yard. Staff note that the requested variance represents a minor deviation from the zoning by-law requirements and note there are no massing concerns associated with the window well. Furthermore, the dwelling itself does not require a front yard setback variance.

Variance #2 relates to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. Staff note that of the total lot coverage requested the dwelling accounts for approximately 25.42% (216.46m²), a minor deviation from the maximum 25% lot coverage permitted. Porches account for approximately 1.82% (15.48m²), and eaves account for approximately 3.72% (31.70m²) of the total lot coverage. Staff note that the overall lot coverage increase represents a minor deviation from the zoning by-law requirements and the porches and eaves present negligible massing concerns.

Variance #3 relates to gross floor area (GFA) – infill residential. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the

existing and planned character of a neighbourhood is preserved. Based on the new definition and calculation method for GFA – infill residential currently in use, the proposed amended GFA is a minor deviation from the maximum permitted. Furthermore, the proposed GFA is consistent with new detached dwellings in the immediate area.

Variance #4 relates to combined side yard width. Staff note that the subject property has a curved frontage, which results in a larger front lot line, therefore impacting the combined side yard width requirements. The proposed dwelling provides adequate side yard setbacks for both the easterly and westerly side yards, maintaining access to the rear yard and space between primary structures on neighbouring properties.

Variance #5 relates to rear setbacks. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. The requested setback reduction is to the rear uncovered patio and basement walkout steps. Staff have no concerns with the requested reduction as there are no perceived massing concerns and the rear yard setbacks are not required to the dwelling itself.

Variance #6 relates to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground, which would lower the overall pitch of the roof, thus keeping the dwelling within a human scale. The eave height represents a minor deviation from the zoning by-law requirements and is negligible.

Variances #7 and 8 relate to eave overhangs. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. Staff note that the variances are being required for two points on the dwelling, one being in the front yard and the other in the interior side yard. Staff do not have any immediate concerns with these reductions as adequate side and front yards have been provided to the remaining portions of the dwelling.

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 dwelling will be addressed through the Site Plan Application process, File SPI-22/028.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

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In addition, we advise that the following additional variances should be added:

7. A front yard setback to eave overhang of 11.51m (approx. 37.76ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 12.0m (approx. 39.37ft) 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: Alana Zheng, Zoning Examiner

Appendix 3 – Metrolinx

103 Glenview Dr is outside of Metrolinx's 60 m buffer for Adjacent Development Review, however it is **within 400 m for the Municipal Consent Review (MCR)**. Depending on the scope of work MCR review may be required. Any work within Metrolinx right-of-way (ROW) of the Hurontario LRT will require approval and coordination with Mobilinx.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 4 – Region of Peel

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments: 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

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

Comments Prepared by: Patrycia Menko, Junior Planner