

# City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A705.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-01-26 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the minor variance application. 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 527.82sq m (approx. 5681.41sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 466.32sq m (approx. 5019.43sq ft) in this instance;
2. A combined side yard width of 4.11m (approx. 13.48ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.35m (approx. 20.83ft) in this instance;
3. A southern side yard setback to the second storey of 1.87m (approx. 6.14ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
4. A northern side yard setback to the second storey of 2.24m (approx. 7.35ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
5. An eave encroachment of 0.45m (approx. 1.48ft) for the second storey whereas By-law 0225-2007, as amended, does not permit an eave encroachment into an insufficient side yard.
6. An eave encroachment of 0.45m (approx. 1.48ft) for the second storey whereas By-law 0225-2007, as amended, does not permit an eave encroachment into an insufficient side yard.
7. A balcony above an accessory structure whereas By-law 0225-2007, as amended, does not permit a balcony above an accessory structure in this instance; and,
8. A dwelling depth below grade of 26.26m (approx. 86.15ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth below grade of 20.00m (approx. 65.62ft) in this instance.

## Amendments

The applicant has requested that the following variances be revised and that variance #9 be added as follows:

1. A gross floor area of 518.38m<sup>2</sup> (5579.80ft<sup>2</sup>), whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 466.32m<sup>2</sup> (5019.43ft<sup>2</sup>) in this instance;
5. A southerly side yard eave setback of 1.42m (4.66ft) whereas By-law 0225-2007, as amended, requires a minimum eave setback of 2.41m (7.91ft) in this instance;
6. A northerly side yard eave setback of 1.42m (4.66ft) whereas By-law 0225-2007, as amended, requires a minimum eave setback of 2.41m (7.91ft) in this instance;
9. A porch roof eave height of 6.88m (22.57ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.4m (21ft) in this instance.

## Background

**Property Address:** 195 Kenollie Ave

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-5 - Residential

**Other Applications:** Site Plan Application Permit under file 22-87

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of the Hurontario Street and Mineola Road West intersection. The neighbourhood is entirely residential consisting of one and two storey-detached dwellings, on lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to construct a new two-storey dwelling requiring variances for dwelling depth, gross floor area, side yard widths, setbacks and a balcony.



Variance #1 pertains to gross floor area and Variance #8 pertains to dwelling depth. The intent of the zoning by-law regarding gross floor area is to maintain compatibility between existing and newer dwellings, while also ensuring that the existing and planned character of a neighbourhood is preserved. The intent of the zoning regulations for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. 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 also consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character. Furthermore, the proposed dwelling depth is to accommodate a below-grade basement that cannot be viewed from the streetscape or neighbouring properties. Staff note that the maximum visible dwelling depth above ground is 18.85m (61.84ft), which is below the 20m (65.61ft) maximum.

Variance #2, 3, 4, 5, 6 relate to side yards. The applicant is seeking reduced side yards and side yard setbacks. Through a review of two-storey detached dwellings in the immediate neighbourhood, staff note that many dwellings maintain the same side yard setback between both the first and second storeys. Therefore, the proposed setback is not out of character within the immediate neighbourhood. Additionally, the proposed setback maintains a sufficient buffer to the neighbouring properties.

Variance #7 is required to accommodate a balcony above an accessory structure. The applicant is proposing a balcony that will project from the second storey of the dwelling into the rear yard. Staff note that this is a technical variance caused by the fact that the cold storage in the basement is accessed from the exterior of the dwelling. Staff are of the opinion that the variance raises no massing or privacy concerns.

Variance #9 is required to accommodate the eave height of the front covered porch. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This will keep the dwelling within human scale. Planning staff note that no overall height variance is being requested and that the remaining eaves do not require a variance for height. The proposed dwelling also contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as stone, concrete, windows of varying sizes and a staggered façade.

As such, staff are 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?**

Planning staff are of the opinion that the overall impact created by the proposed variance is minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

#### More Information

The Building Department is currently processing a Site Plan Application Permit under file 22-87. Based on review of the information currently available in this permit application, we advise that

more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required:

- Lot frontage calculation;
- Combined width setback required contingent upon correct lot frontage calculation;
- Verification of GFA-Infill Residential;
- Flat roof calculation;
- Identify setbacks;
- Etc.

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: Ramsen Hedoo, Zoning Examiner

### **Appendix 3 – Region of Peel**

#### **Minor Variance Application: A-705/22, 195 Kenollie Avenue**

Servicing: Camila Marczuk (905) 791-7800 x8230

#### **Comments:**

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. 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 905.791.7800 x7973 or by email 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: Patti Menko – Junior Planner, Planning and Development Services