

# City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A747.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## 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 532.41sq m (approx. 5730.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 453.58sq m (approx. 4882.29sq ft) in this instance;
2. A combined side yard setback of 4.97m (approx. 16.31ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 5.76m (approx. 18.90ft) in this instance;
3. An eave height of 6.52m (approx. 21.39ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. A side yard setback to the eaves of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves of 1.96m (approx. 6.43ft) in this instance;
5. An accessory structure area of 29.68sq m (approx. 319.47sq ft) for the cabana and covered patio whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
6. An accessory structure height of 3.77m (approx. 12.37ft) for the outdoor fireplace whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance and,
7. A driveway width of 11.62m (approx. 38.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

## Amendments

Should the Committee see merit in the application, Zoning staff advise that the following variance should be amended as follows:

1. A Gross Floor Area - Infill Residential of 532.41m<sup>2</sup> (5730.81ft<sup>2</sup>) calculated with 0% of the void in any floors from being deducted, whereas By-law 0225-2007, permits a maximum Gross Floor Area - Infill Residential of 453.58 m<sup>2</sup>(4882.29ft<sup>2</sup>) and permits the area of void in a floor to be deducted to a maximum of 10% of the permitted maximum Gross Floor Area - Infill Residential.

## Background

**Property Address:** 309 Mineola Rd E

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-1 - Residential

**Other Applications:** Preliminary Zoning Review application under file PREAPP 22-1728

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, east of the Broadmoor Avenue and Mineola Road East intersection. The immediate neighbourhood is entirely residential, consisting of one 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 vegetation in front 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.

While larger dwellings are not out of character within the surrounding area, staff are of the opinion that the proposed gross floor area is excessive, does not maintain compatibility with the existing dwellings in the neighbourhood, and does not preserve the neighbourhood's character.

Planning staff also note that the requested variances may be inaccurate and additional variances may be required. Upon review of the applicant's drawings, staff note that the eave height was miscalculated. Zoning staff have also requested additional information in order to verify the accuracy of the requested variances and to determine if additional variances are required.

As such, Planning staff recommend the application be deferred to give the applicant an opportunity to redesign the dwelling to address concerns raised above and to meet with Zoning staff to ensure the accuracy of the requested variances.

Staff recommend that the application be deferred to address the concerns raised above.

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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 Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-1728. Based on review of the information currently available in this application, the variances # 2, 3 and 4, as requested are correct.

Furthermore, we advise that the following variance should be amended:

1. A Gross Floor Area - Infill Residential of 532.41m<sup>2</sup> calculated with 0% of the void in any floors from being deducted, whereas By-law 0225-2007, permits a maximum Gross Floor Area - Infill Residential of 453.58 m<sup>2</sup> and permits the area of void in a floor to be deducted to a maximum of 10% of the permitted maximum Gross Floor Area - Infill Residential.

Based on review of the information currently available in this application, we advise that more information is required in order to verify the accuracy of the remaining variance(s) or determine whether additional variance(s) will be required.

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: Maria Fernandez, Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services