

City of Mississauga Department Comments

Date Finalized: 2023-01-31	File(s): A754.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-23 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, meets the requirements of Section 45(1) of the Planning Act. 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. An eaves height of 6.90m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance and,
2. An interior side yard setback to an AC Unit of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 1332 Northaven Dr

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications: Site Plan Infill application under file SPI 22-109.

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, northwest of the Cawthra Road and Atwater Avenue intersection. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for increased eave height and setback to an air conditioning (AC) Unit.



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 located in the Mineola Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages

This application is required to facilitate the construction of a new two-storey detached dwelling.

Variance #1 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of the dwelling. Planning staff note that no overall height variance is being requested. Staff have no concerns with the proposed eave height, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as large windows and a staggered façade. Lastly, the requested variance represents a minor deviation from the maximum eave height permitted.

Variance #2 pertains to an AC unit. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff note that access to the rear yard is maintained via the southerly side yard. Staff is of the opinion that the proposed setback will ensure appropriate access to the AC unit for maintenance purposes.

It is staff's opinion that the proposal is sympathetic to the surrounding area and does not impact the neighbouring properties or streetscape. 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 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 Site Plan Infill application under file SPI 22-109. Based on review of the information currently available for this application, we advise that variance # 1, as requested is correct.

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Furthermore, we advise that more information is required in order to verify the accuracy of the remaining variance or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 07/28/2022 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

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