

City of Mississauga Department Comments

Date Finalized: 2023-04-19	File(s): A78.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-04-27 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A left side yard setback of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, requires a minimum left side yard setback of 2.41m (approx. 7.91ft) in this instance;
2. A right side yard setback of 2.14m (approx. 7.02ft) whereas By-law 0225-2007, as amended requires a minimum right side yard setback of 2.41m (approx. 7.91ft) in this instance;
3. A combined side yard width of 4.31m (approx. 14.14ft) whereas By-law 0225-2007, as amended requires a minimum combined side yard width of 6.48m (approx. 21.26ft) in this instance;
4. A flat roof height of 8.92m (approx. 29.27ft) whereas By-law 0225-2007, as amended permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
5. An eaves height of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
6. A gross floor area of 535.31sq m (approx. 5762.03sq ft) whereas By-law 0225-2007, as amended permits a maximum gross floor area of 450.19sq m (approx. 4845.80sq ft) in this instance;
7. A dwelling depth of 20.99m (approx. 68.86ft) whereas By-law 0225-2007, as amended permits maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
8. 2 walkways attached to one side of the driveway whereas By-law 0225-2007, as amended permits a maximum of 1 walkway on one side of the driveway in this instance;
9. A walkway attachment width to a driveway of 2.13m (approx. 6.99ft) whereas By-law 0225-2007, as amended permits a maximum width of 1.50m (approx. 4.92ft) in this instance;
10. A walkway attachment width to a driveway of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended permits a maximum width of 1.50m (approx. 4.92ft) in this instance;

11. A left side yard setback to the eaves of 0.79m (approx. 2.59ft) 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;
12. A right side yard setback to the eaves of 1.84m (approx. 6.04ft) 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;
13. A circular driveway coverage in a yard of 59.3% whereas By-law 0225-2007, as amended permits a maximum driveway coverage of 50% in this instance;
14. A driveway width of 16.82m (approx. 55.18ft) whereas By-law 0225-2007, as amended permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance; and,
15. A landscaped soft area in the front yard of 32% whereas By-law 0225-2007, as amended requires a minimum landscaped soft area of 40% in this instance.

Background

Property Address: 131 Mineola Rd E

Mississauga Official Plan

Character Area: Residential Low Density I
Designation: Mineola Neighbourhood

Zoning By-law 0225-2007

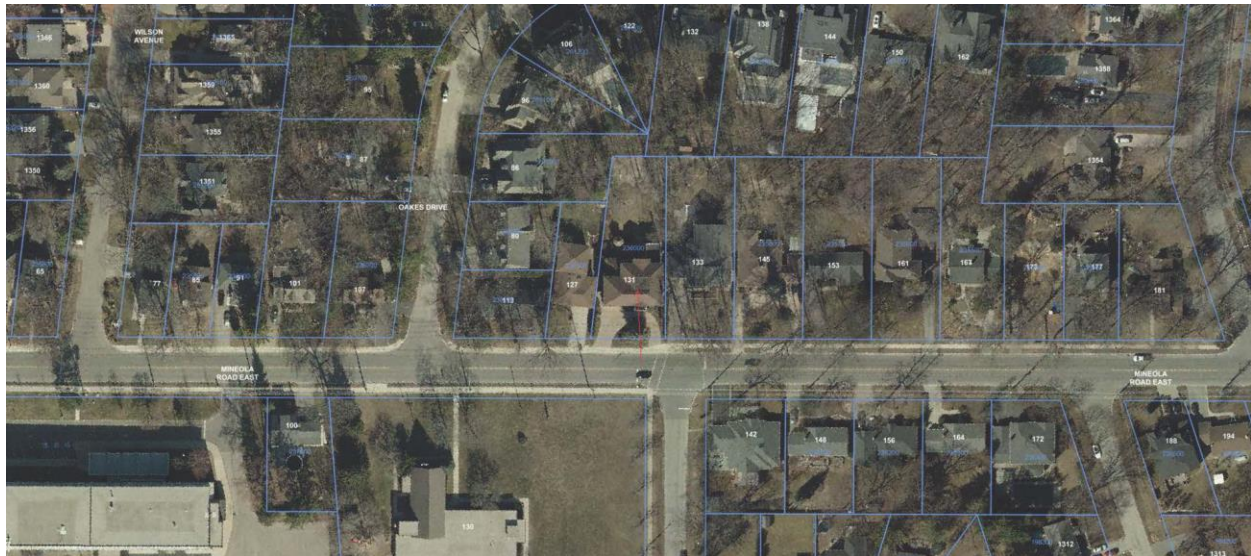
Zoning: R3-2 - Residential

Other Applications: SPI 22-136 W1

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, east of the Hurontario Street and Mineola Road East intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with significant hardscaping, and vegetation in the front yard.

The applicant proposes a new two-storey detached dwelling requiring variances for setbacks, dwelling and eave height, gross floor area, dwelling depth, walkways, a circular driveway and soft landscape 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 are as follows:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings.

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

Staff are also concerned with the significant amount of hardscaping proposed in the front yard. (variances 8, 9, 10, 13, 14 and 15). The intent of the driveway width and soft landscaping regulations in the by-law are to allow a driveway that can accommodate the required parking, with the remainder of the front yard being soft landscaped area. This ensures appropriate landscaping is factored into the front yards of properties in order to maintain the character of the larger neighbourhood. The proposed driveway represents a significant amount of hardscaping, which would not only have a significant impact to the streetscape but is also out of character with the surrounding context. Staff note that the proposed driveway would be able to accommodate more parking than the required two spaces for a detached dwelling.

The intent of the walkway attachment provision is to define the entryway to the dwelling and permit the safe movement of pedestrians while prohibiting vehicular parking and movements.

Variance #10 proposes a walkway wide enough to accommodate both pedestrian and vehicular movements. Variance #8 proposes two walkway attachments where only one is permitted. Both walkways require width variances (variances # 9 and 10) and add additional hardscaping to the front yard of property, which will negatively impact the streetscape. Staff note that while permitted, circular driveways are not a common characteristic of properties found in the immediate area. The majority of front yards in the immediate area consist of significant soft landscaping which creates a balance to the amount of hard surfacing that exists. As such, from a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the other lots within this neighbourhood, which define the area's planned context.

Based on the preceding information, staff is of the opinion that the application does not maintain the four tests set out in Section 45(1) of the *Planning Act* and recommend that the application be refused.

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 an application under SPI 22-136 W1. Based on review of the information currently available in this application, the variances #1, 2, 3, 4 and 5, as requested are correct. We advise that more information is required in order to verify the accuracy of the rest of the requested 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 Comments

Minor Variance Application: A-78/23 – 131 Mineola Road East

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 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Patrycia Menko, Junior Planner