

City of Mississauga Department Comments

Date Finalized: 2023-03-01	File(s): A762.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-03-09 1:00:00 PM

Consolidated Recommendation

The City has no objections 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 minor variances to allow the construction of a new dwelling proposing:

1. A westerly interior side yard setback to the second storey of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A combined side yard width of 3.39m (approx. 11.12ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.80m (approx. 12.47ft) in this instance;
3. An interior side yard setback to the porch of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
4. A gross floor area of 313.95sq m (approx. 3379.33sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 311.97sq m (approx. 3358.02sq ft) in this instance and,
5. An eaves height of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, permit a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Application under file SPI 22-96 W1. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Also, we advise that the following variances should be added as follows:

6. A westerly interior side yard setback to eaves of the second storey of 1.25 m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves of 1.36m (approx. 4.46ft) in this instance.

Background

Property Address: 446 Orano Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications: SPI 22-96, PAM 22-175

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, north of the Canterbury Road and Atwater Avenue intersection. The immediate area consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the rear yards. The lands east of the subject property contain both institutional and open space uses. The subject property contains an existing two-storey detached dwelling with mature vegetation in the rear yard.

The applicant is proposing a new detached dwelling requiring variances related to side yard setbacks, combined side yard width, gross floor area and eave height.



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 of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours with respect to overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole and will not negatively impact the character of the streetscape. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1, 2, 3 and 6 are for setbacks and combined width of side yards. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variances #4 and 5 relate to gross floor area and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as large windows, multiple roof lines and a staggered façade. The combination of these features help to minimize the overall massing impact in relation to the streetscape and neighbouring properties. Further, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose any negative impact to the neighbourhood. Furthermore, the dwelling's staggered architectural features break up the overall massing of the dwelling stemming from the increased gross floor area and eave heights. The setbacks and side yard width proposed are of no concern to staff and are consistent with what is found in the immediate neighbourhood. As a result, the proposed dwelling maintains compatibility with newer two storey dwellings in the neighbourhood. Staff is of the opinion that the application represents appropriate development of the lands and is minor in 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 Application under file SPI 22-96 W1. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Also, we advise that the following variances should be added as follows:

6. A westerly interior side yard setback to eaves of the second storey of 1.25 m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves of 1.36m (approx. 4.46ft) in this instance;

We advise that more information is required in order to verify or determine whether additional variance(s) will be required for Lot coverage.

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

Minor Variance Application: A-762/22, 446 Orano Avenue

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.
- 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, Planning and Development Services