

City of Mississauga Department Comments

Date Finalized: 2023-04-26	File(s): A738.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 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 the accuracy of the requested variance and that additional variances are not required.

Application Details

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

1. A combined side yard width of 2.71m (approx. 8.89ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
2. An interior side yard setback of 1.2m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A garage projection of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance and,
4. A gross floor area of 344.38sq.m (approx. 3706.87 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 306.76sq.m (approx. 3301.94sq ft) in this instance.

Background

Property Address: 1467 Kenmuir Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R3-1 - Residential****Other Applications: none****Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and the Queen Elizabeth Way. The immediate neighbourhood is entirely residential, consisting of one, one and a half and two-storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property contains a one-storey dwelling with vegetation in the property's front yard.

The applicant is proposing a new two-storey dwelling requiring variances related to side yards, garage projection and gross floor 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). This designation permits detached dwellings.

The Committee deferred the above noted application on March 2nd 2023, to address massing concerns related to the dwelling's garage depth, gross floor area and setbacks.

The proposed gross floor area is now 344.38m² (3706.87 ft²) where 379.59m² (4085.87ft²) was previously proposed. Further, the interior side yard setback has been reduced by 0.09m (0.3ft) from 1.29m (4.23ft) to 1.2m (3.94ft). Lastly, the garage projection has been reduced by 0.17m (0.56ft) from 1.37m (4.5ft) to 1.2m (3.93ft).

Variances #1 and 2 relate to the side yards. Variance #1 remains unchanged, as such, staff continues to have no concerns with this variance. 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. With respect to variance #3, the proposal contains a covered porch, which projects the same distance as the attached garage, deemphasizing the garages impact to the streetscape. With respect to variance #4, staff is of the opinion that the revised gross floor area is compatible with existing development and consistent with new detached dwellings found within the immediate area.

The applicant's revisions satisfy planning staff's concerns with respect to massing. 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

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel Comments

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner