

# City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A162.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 3:30:00 PM

## Consolidated Recommendation

The City has no objection to the application, as amended.

## Application Details

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

1. A flat roof height for the dwelling of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
2. An eastern side yard setback to the dwelling of 2.09m (approx. 6.86ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
3. A lot coverage for the cabana of 5.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 5% in this instance;
4. A height of the cabana of 3.76m (approx. 12.34ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
5. An area of the cabana of 46.45sq m (approx. 499.98sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
6. An eastern side yard setback to the eaves overhang of the dwelling of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance;
7. A western side yard setback to the eaves overhang of the dwelling of 1.99m (approx. 6.53ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance; and,
8. A combined side yard setback of 3.64m (approx. 11.94ft) whereas By-law 0225-2007, as amended requires a minimum combined side yard setback of 4.93m (approx. 16.17ft) in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file BP 9NEW 23-6166. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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

1. A flat roof height for the dwelling of 7.95m (approx. 28.08ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
2. An eastern side yard setback to the dwelling of 2.09m (approx. 6.86ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
3. A lot coverage for the cabana of 5.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 5% in this instance;
4. A height of the cabana of 3.76m (approx. 12.34ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
5. An area of the cabana of 46.45sq m (approx. 499.98sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
6. An eastern side yard setback to the eaves overhang of the dwelling of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance;
7. A western side yard setback to the eaves overhang of the dwelling of 1.975m (approx. 6.48ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance; and,
8. A combined side yard setback of 3.62m (approx. 11.87ft) whereas By-law 0225-2007, as amended requires a minimum combined side yard setback of 4.93m (approx. 16.17ft) in this instance

## Background

**Property Address:** 1598 Ewald Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-1 - Residential

**Other Applications:** Building Permit under file BP 9NEW 23-6166.

## Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Kenmuir Avenue and South Service Road intersection. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard. The surrounding area consists of one and two-storey detached dwellings with mature vegetation in the front yards.

The applicant is proposing to construct a new two-storey detached dwelling and cabana requiring variances for side yards, setbacks, dwelling height and cabana 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 located in the Mineola Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the

surrounding context, and the landscape of the character area. The proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance #1 is for flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling to bring it more in-line with a sloped roof dwelling, and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings to two storeys and less than 10.70m (35.15ft) in height. Staff note that variance #1 numerically represents a minor deviation from the regulation and is to facilitate the development of a two-storey dwelling. Furthermore, the grade of the subject property also influences the value contained in the variance. The difference between average grade and the grade at where the dwelling sits is 0.35m (1.15ft) therefore, when viewing the dwelling from the front lawn it would appear to be 0.35m (1.15ft) shorter.

Variances #2, 6, 7 and 8 relate to side yards and setbacks. 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.

Variances #3, 4 and 5 are for an accessory structure. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to neighbouring lots. Variances #3 and 4 numerically represent minor deviations from the regulations. With respect to variance #5, staff have no concerns regarding the structure's massing, as the subject property is permitted a combined accessory structure area of 60m<sup>2</sup> (645ft<sup>2</sup>) as of right and no additional structures exist or are proposed. Lastly, the existing dwelling covers more than 4 times the lot area than the proposed structure. As such, it is clearly proportional and accessory to the dwelling.

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

Upon review of the application, staff are satisfied that the proposal represents the appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 and cabana are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/6166.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 23-6166. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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9. A flat roof height for the dwelling of 7.95m (approx. 28.08ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
10. An eastern side yard setback to the dwelling of 2.09m (approx. 6.86ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
11. A lot coverage for the cabana of 5.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 5% in this instance;
12. A height of the cabana of 3.76m (approx. 12.34ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
13. An area of the cabana of 46.45sq m (approx. 499.98sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
14. An eastern side yard setback to the eaves overhang of the dwelling of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance;
15. A western side yard setback to the eaves overhang of the dwelling of 1.975m (approx. 6.48ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance; and,
16. A combined side yard setback of 3.62m (approx. 11.87ft) whereas By-law 0225-2007, as amended requires a minimum combined side yard setback of 4.93m (approx. 16.17ft) in this instance

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: Gary Gagnier, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

#### **Minor Variance Application: A-23-162M – 1598 Ewald Road**

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](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Patrycia Menko, Junior Planner