

City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A205.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A lot coverage of 40.19% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A gross floor area (infill residential) of 409.92sq m (approx. 4412.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 328.80sq m (approx. 3539.17sq ft) in this instance;
3. A building depth of 22.73m (approx. 74.57ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
4. A building height of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
5. An underside eaves height of 7.64m (approx. 25.07ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
6. A combined side yard setback of 2.07m (approx. 6.79ft) whereas By-law 0225-2007, as amended, permits a maximum combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
7. A front yard setback of 5.74m (approx. 18.83ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
8. A left interior side yard setback of 0.87m (approx. 2.85ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
9. A right interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
10. A projection of the garage face past the first floor face of 0.74m (approx. 2.43ft) whereas

By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance.

Background

Property Address: 1341 Northaven Drive

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

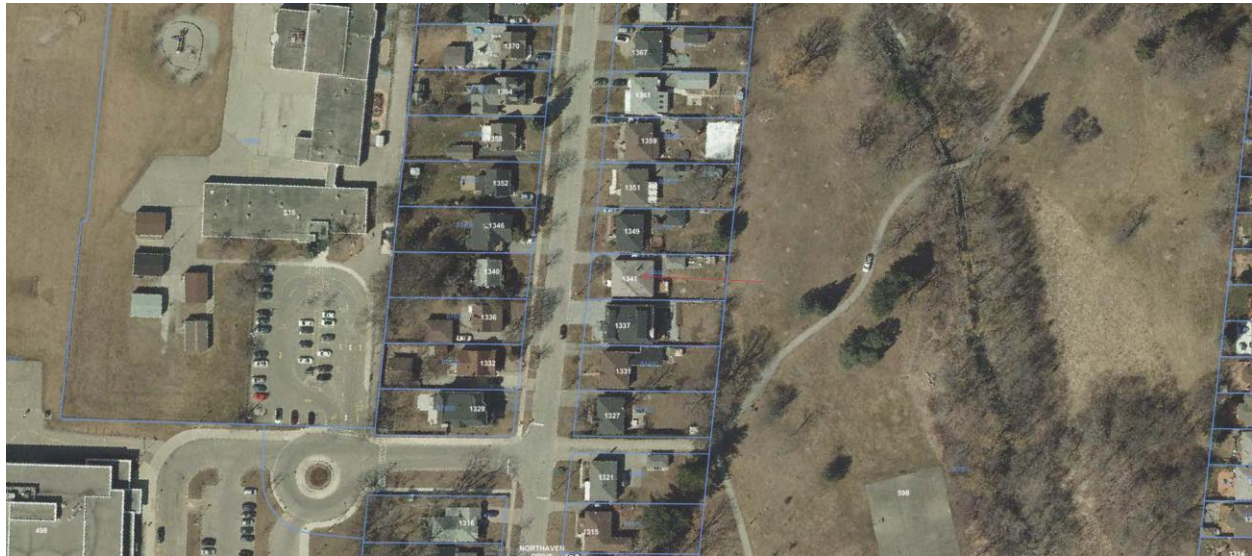
Zoning: R3-1 - Residential

Other Applications: Building Permit under file BP 9NEW 23-6470

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 one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for lot coverage, gross floor area, dwelling depth, building height, eave height, setbacks and a garage projection.



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.

While larger dwellings are not out of character within the surrounding area, staff are of the opinion that the proposed gross floor area (GFA) and eave height are excessive. Furthermore, the GFA and eave height will create a dwelling that does not meet the intent of the infill regulations, maintain compatibility with the existing dwellings in the neighbourhood or preserve the neighbourhood's existing character. Staff are also of the opinion that the proposed dwelling will cause significant massing issues that will directly impact neighbouring properties.

Zoning staff have also identified additional variances and amendments, which may not be supported by Planning staff.

As such, staff recommend that the application be deferred to allow the applicant the opportunity to discuss the proposal with Planning staff and to redesign the proposed dwelling.

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/6470.



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 23-6470. Based on review of the information currently available in this application, variances # 2, 3, 6, and 7, as requested are correct.

In addition, we advise that the following variance should be amended:

8. An interior north-westerly side yard setback to the dwelling (posts) of 0.87m (approx. 2.85ft), whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20 m (approx. 3.94ft), in this instance;

In addition, we advise that the following variances should be added:

11. A rectangular area measured from the inside face of walls of 5.98 m x 5.94 m, whereas By-law 0225-2007, as amended, requires a minimum rectangular area measured from the inside face of walls of 2.75 m x 6.00 m, in this instance.
12. An interior north-westerly side yard setback to the attached garage of 0.87m (approx. 2.85ft), whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the attached garage of 1.20 m (approx. 3.94ft), in this instance;
13. An interior north-westerly side yard setback to the second storey of 1.48m (approx. 4.86ft), whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second storey of 1.81 m (approx. 5.94ft), in this instance;

We advise that more information is required in order to verify the accuracy of the remaining 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Dellwood Park (P-005) and zoned OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Minor Variance: A-23-205M – 1341 Northaven Drive

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