

City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A216.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 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 gross floor area of 346.56sq m (approx. 3730.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 282.29sq m (approx. 3038.54sq ft) in this instance;
2. A lot coverage of 40.57% (187.20sq m (approx. 2015.00sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (161.50 sq m (approx. 1738.37sq ft)) in this instance;
3. A side yard setback of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance;
4. An underside of eaves height for the main house of 6.84m (approx. 22.44ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
5. An underside of eaves height for the feature wall staircase of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 1182 Canterbury 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 23-6382.**Site and Area Context**

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Mineola Gardens 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 and exterior side yards.

The applicant is proposing a new two-storey detached dwelling requiring variances for lot coverage, gross floor area, eave height and a side yard setback.

**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 lot coverage are excessive. Furthermore, the GFA and lot coverage 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 represents an overdevelopment of the lot that would cause significant massing issues that will directly impact the neighbouring properties.

Zoning staff have also identified that more information is required to verify the accuracy of the requested variances and to determine if additional variances are required.

As such, staff recommend that the application be deferred to allow the applicant the opportunity to redesign the proposed dwelling and to discuss the proposal with Zoning and Planning staff in order to identify any additional variances.

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 dwelling are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/6382.





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 23-6382. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy 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: Gary Gagnier; Zoning Examiner

Appendix 3- Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Ayoola Ayooluwa, Junior Planner

Appendix 4 – Metrolinx

1182 Canterbury Road

Metrolinx is in receipt of the minor variance application for 1182 Canterbury Road, to facilitate the construction of a new two-storey dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst