

# City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A322.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 a minor variance to allow the construction of a new dwelling proposing:

1. A gross floor area - infill residential of 330.46sq.m (approx. 3,557.04sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 296.77sq.m (approx. 3,194.41sq.ft) in this instance;
2. A lot coverage of 39.56% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
3. A height to a flat roof of 7.73m (approx. 25.36ft) whereas By-law 0225-2007, as amended, permits a maximum height to a flat roof of 7.50m (approx. 24.61ft) in this instance;
4. A height measured to the eaves of 7.10m (approx. 23.29ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. An easterly side yard measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance; and
6. A combined width of side yards of 3.03m (approx. 9.94ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.60m (approx. 11.81ft) in this instance.

## Background

**Property Address:** 206 Eaglewood Blvd

**Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning: R3-1 - Residential**

**Other Applications: none**

**Site and Area Context**

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Mineola Road East and Hurontario Street intersection. The immediate neighbourhood contains a mix of housing types, including older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey dwelling with mature vegetation in the front yard.

The applicant is requesting variances for gross floor area, lot coverage, heights, widths of side yards and setbacks.



## 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 regarding 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. The new development will not negatively impact the character streetscape. Staff is 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 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. 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.

Variance # 2 is for lot coverage. The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot. Staff note that the dwelling's footprint is 33% of the total lot coverage. The remaining lot coverage is attributable to a rear deck and front porch that are primarily open structures that do not pose massing concerns.

Variances #3, and 4 pertain to eave and flat roof height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This will keep the dwelling within human scale. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize its negative impacts on the streetscape and neighbouring properties. The dwelling's overall height (to the highest ridge) is compliant with the zoning by-law. Staff have no concerns with the proposed height variances, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as multiple rooflines and a staggered façade. The proposed flat roof is separate from the main sloped roof and only spans a small portion of the façade, above the covered porch. Furthermore, staff note a 0.45m (1.48ft) discrepancy between average grade and final grade.

Therefore, when viewing the façade, the dwelling would appear 0.45m (1.48ft) shorter in height than the value of the variances. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #5 and 6 pertains to width of side yards and setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are 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. Lastly, the variances are only required to accommodate a small portion of the easterly wall of the dwelling. The majority of the east side of the dwelling is compliant.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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: Candice Williams, Zoning Examiner

### **Appendix 3 – Metrolinx**

#### 206 Eaglewood Blvd - A322.23

Metrolinx is in receipt of the Minor Variance application for 206 Eaglewood Blvd, to facilitate the construction of a new single detached 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](mailto: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).

Comments Prepared by: Farah Faroque, Project Analyst

### **Appendix 4 – Region of Peel**

#### **Minor Variance Application: A-23-322M – 206 Eaglewood Blvd**

Development Engineering: Brian Melnyk (905)-791-7800 x3602

#### **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