

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A342.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 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, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 a dwelling proposing:

1. An exterior side yard setback of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a setback of 6.00m (approx. 19.69ft) in this instance;
2. An interior side yard setback to the second floor of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
3. An exterior side yard setback to the garage face of 2.87m (approx. 9.42ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
4. A lot coverage of 43.3% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
5. An eave overhang setback in the front yard of 5.89m (approx. 19.32ft) whereas By-law 0225-2007, as amended, requires a setback of 6.00m (approx. 19.69ft) in this instance;
6. A porch setback to the exterior lot line of 1.46m (approx. 4.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.40m (approx. 14.44ft) in this instance;
7. An eave overhang setback to the exterior side yard of 2.22m (approx. 7.28ft) whereas By-law 0225-2007, as amended, requires a setback of 6.00m (approx. 19.69ft) in this instance;
8. An eave overhang setback to the second level of 0.79m (approx. 2.59ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
9. A flat roof height of 8.86m (approx. 29.07ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance; and,
10. A combined side yard width of 3.01m (approx. 9.88ft) whereas By-law 0225-2007, as

amended, requires a minimum combined side yard setback of 3.60m (approx. 11.81ft) in this instance.

Background

Property Address: 178 Angelene St

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 23-5853

Site and Area Context

The subject property is located south-east of the Hurontario Street and Mineola Road East intersection in Mineola. The immediate neighbourhood is primarily residential, consisting of older and newer one and two-storey detached dwellings on lots of varying sizes. The subject property contains an existing one-storey detached dwelling on a corner lot with mature vegetation located in the front yard.

The applicant is proposing to construct a new two-storey detached dwelling requiring variances related to setbacks, lot coverage, flat roof height and combined side yard width.



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 within the Mineola Neighbourhood, 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.

Variations #1, 2, 3, 5, 6, 7 and 8 are for setbacks. The general intent of interior and exterior side yard regulations in this instance is to ensure that existing setbacks found in the immediate area are respected and that an adequate buffer exists between the massing of primary structures on adjoining properties and the public realm.

Variance # 2 is for an interior side yard setback. Staff note that an interior side yard setback variance is only required to accommodate the second storey. The first storey of the dwelling maintains the minimum requirement. The applicant's proposal is to provide the same setback to the second storey of the dwelling, as is proposed to the first storey, which is a common characteristic of detached dwellings found in the immediate area.

Variance #1 and 3 are for exterior side yard setbacks to the dwelling's exterior wall and garage face. Staff note that while the numerical value of these variations do not appear minor, the proposed setbacks are consistent with exterior side yard setbacks found in the immediate area. Furthermore, the proposed setbacks represent an improvement over the existing exterior side yard setbacks.

Variances #5, 7 and 8 are for eave overhang setbacks. Staff are of the opinion that variance #5 represents a minor deviation from the minimum requirement and is negligible. With respect to variances #7 and 8, staff are of the opinion that the eaves do not add significant massing to the dwelling and therefore will not negatively impact adjacent properties or the public realm.

Variance #6 is for an exterior side yard setback to a porch. Staff note that the porch does not contain walls and is primarily open. Therefore it will not add any additional massing to the dwelling.

Variance #4 is for lot coverage. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. Staff note that 35.56% of the lot coverage is attributable to the detached dwelling's footprint. The remaining lot coverage is attributable to a covered porches and eave overhangs, which results in negligible massing to the dwelling.

Variance #9 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 compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, the regulation is intended to restrict the height of flat roof dwellings, which would have permitted a maximum height of 10.70m (35.1ft). The proposed dwelling contains multiple roofs. Staff note that the variance requested is to a small portion of a roof containing a slope. It is unknown whether this roof can be considered a sloped or flat roof without confirmation from zoning staff. However, it is labelled as a sloped roof and the requested variance may not be required. The remaining portions of the roof have a maximum height of 7.38m (24.21ft), which does not require a variance. Lastly the proposal is for a two-storey detached dwelling, as such staff has no concerns with the variance request.

Variance #10 is for combined side yard width. Staff are of the opinion that the requested variance represents a minor deviation from the minimum requirement and therefore will have a negligible impact. Furthermore, the proposed side yards are consistent with side yards found within the immediate area.

As such, staff are of the opinion that the applicant's proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff are 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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/5853.







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 23-5853. 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 – Metrolinx

178 Angelene St - A342.23

Metrolinx is in receipt of the Minor Variance application for 178 Angelene St to facilitate the construction of a new 2-storey dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- 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).

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

Minor Variance: A-23-342M – 178 Angelene St

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.
- 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