

## City of Mississauga Department Comments

Date Finalized: 2023-08-30	File(s): A292.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-09-07 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, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

### Application Details

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

1. An interior side yard setback (west side) 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;
2. A combined side yard width of 3.01m (approx. 9.88ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.60m (approx. 11.81ft) in this instance;
3. A building height to the highest ridge of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
4. An underside eaves height of 7.82m (approx. 25.66ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A gross floor area of 510.97sq m (approx. 5500.03sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 375.62sq m (approx. 4043.14sq ft) in this instance;
6. An area occupied per accessory building and structure of 42.00sq m (approx. 452.08sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied per accessory building and structure of 20.00sq m (approx. 215.28sq ft) in this instance;
7. A combined lot coverage for all accessory buildings and structures of 5.6% whereas By-law 0225-2007, as amended, permits a maximum combined lot coverage of 5.00% in this instance;

8. A dwelling unit depth of 22.99m (approx. 75.43ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
9. A lot coverage of 36.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance; and,
10. A flat roof height of 7.83m (approx. 25.69ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance.

## Background

**Property Address:** 1160 Mona Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-3- Residential

**Other Applications:** Building Permit Application BP9 NEW-23/6822 and Minor Variance Application A86.23

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Mineola Road West and Hurontario Street. The immediate area consists of a mix of one and two storey detached dwellings on lots with mature vegetation. The subject property was originally part of Mona Road (part of 1166 Mona Road). On December 16th, 2021, the Committee approved the severance of 1166 Mona Road (A552/21) thereby creating the subject property.

The applicant is proposing a new two-storey detached dwelling requiring variances for setbacks, side yards, building and eave heights, lot coverage dwelling depth, gross floor area and accessory structure area and coverage.



## 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:

Minor Variance application A86.23 was refused by the Committee on April 27<sup>th</sup>, 2023. The application was required to facilitate the development of a new two-storey detached dwelling. Staff identified concerns regarding the correctness of the variances, as well as the proposed detached dwelling's massing, gross floor area, dwelling depth, building and eave heights.

The applicant has submitted a new application (A292.23), which revises the proposal submitted under A86.23.

Staff note that a variance for “right interior side yard setback” (previously Variance #2) has been removed. Furthermore, the wording of variance #1 has changed and the combined side yard width has increased from 2.40m (7.87ft) to 3.01m (9.88ft), respectively.

The building height to the highest ridge has been reduced from 9.73m (31.92ft) to 9.5m (31.17ft), and the eave height remains the same. Gross floor area has also been reduced from 615.67m<sup>2</sup> (6627.02ft<sup>2</sup>) to 510.97m<sup>2</sup> (5500.03 ft<sup>2</sup>).

Variance #6 for accessory structure/building area remains the same, while variance #7 for combined lot coverage for accessory structures/buildings is new.

The applicant has reduced the proposed dwelling depth from 31.22m (102.43ft) to 22.99m (approx. 75.43ft), and added two new variances for lot coverage and flat roof height.

Staff are of the opinion that variances #1 and 2 represent improvements from the applicant's original proposal and are minor deviations from the minimum requirements. The side yards/setbacks are also consistent with sideyards/setbacks found in the immediate area.

Variances #3, 4 and 8 are regarding the building's height. Staff have no concerns regarding these variances. The flat roof height variance is required to accommodate a proposed parapet. This design feature assists in the breaking up of the dwelling's façade massing. The proposed height to the highest ridge represents a minor deviation from the maximum height permitted and the eave height is not of concern as the dwelling contains architectural features and materials that breakup the dwelling's massing.

Variances #5, 7 and 9 are technical in nature. The subject property is equally split zoned R2-5 and R3-3. The proposed dwelling is located on lands entirely zoned R3-3. Lot coverage and gross floor area maximums are determined based on the lot area and zone of the portion of the property that is to be developed. If the entire property was zoned R3-3, these variances would not be required.

Planning staff did not identify any concerns regarding variance #6, which remains the same from the first application. The size of the structure is proportional to the lot and dwelling. Lastly the proposed area, including the existing shed on the property, are below the combined area maximum of 60m<sup>2</sup> (645.84ft<sup>2</sup>) for accessory structures.

It is staff's 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 dwelling are being addressed by our Development Construction Section through the Building permit process for BP9 NEW-23/6822.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9NEW 23-6822. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

We can confirm the variances as requested are correct as noted with the exception of the following;

Variances 7. and 8. are to be amended as follows;

7. A combined lot coverage for all accessory buildings and structures of 5.5% of the lot area (for the portion zoned R2-5); whereas By-law 0225-2007, as amended, permits a maximum lot coverage combined for all accessory buildings and structures of 5.00% in this instance;

8. A dwelling unit depth of 26.39m whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;

Variance 4. is note required as this is not considered an eave

The following variance(s) are to be added;

-Two kitchens proposed whereas By-law 0225-2007, as amended permits a maximum of one kitchen per dwelling unit in this instance;

Lastly, we note that further information is required for staff to confirm variance 5.; as well, additional information is required with respect to (among other things) Established Grade before staff can confirm if further variances are required;

Our comments are based on the plans received by Zoning staff on 08/01/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack; Zoning Examiner

### **Appendix 3 – Metrolinx**

#### 1160 Mona Rd - A292.23

Metrolinx is in receipt of the minor variance application for 1160 Mona Rd to facilitate the construction of a new dwelling. Metrolinx's comments on the subject application are noted below:

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

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- 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: A-23-292M / 1160 Mona Rd

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)

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

#### Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the

environmental expertise of the CVC for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy **2.14.18** of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner