

City of Mississauga Department Comments

Date Finalized: 2024-01-04	File(s): A347.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-01-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

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

1. An exterior side yard setback of 5.74m (approx. 18.83ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance;
2. A height to the highest ridge of 9.32m (approx. 30.57ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
3. An eaves height of 7.12m (approx. 23.35ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance; and,
4. A gross floor area of 349.80sq m (approx. 3765.21sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 310.17sq m (approx. 3338.64sq ft) in this instance.

Background

Property Address: 1460 Kenmuir Ave

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 within the Mineola Neighbourhood Character Area, west of Cawthra Road and South Service Road. The neighbourhood is primarily residential, consisting of a mix of older and newer one and two storey-detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one-storey single detached dwelling with mature vegetation in the front yard.

The application proposes a new two-storey detached dwelling requiring variances related to exterior side yard setback, building height, eave height and gross floor area.



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:

The subject application was deferred on October 12th, 2023, to allow the applicant an opportunity to reduce the proposed detached dwelling's gross floor area. Staff note that the applicant has reduced the gross floor area from 404.07m² (4349.37ft²) to 349.80m² (3765.21ft²). Furthermore, the exterior side yard setback has increased from 5.28m (17.32ft) to 5.74m

(18.83ft). Lastly the applicant has reduced the height to the highest ridge from 9.47m (31.07ft) to 9.32m (30.57ft).

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, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. As per Section 16.18.1.1 (Infill Housing) of the Mineola Neighbourhood Character policies, 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 with respect to 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 and will not negatively impact the character streetscape. Staff are 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 is regarding an exterior side yard setback. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings located on corner lots. Lastly, the wide municipal boulevard adds an additional buffer to further mitigate any potential impacts created by the reduced exterior side yard setback.

Variances #2 and 3 request an increase in building heights. Variance #4 requests an increase in gross floor area. The proposed heights represent minor deviations from the maximum heights permitted. Furthermore, the proposed dwelling contains architectural features and materials that break up the first and second storey, thereby reducing the overall visual massing of the dwelling and ensuring that it reflects the established character of the streetscape. The proposed dwelling also contains multiple roof lines at varying heights and staggered walls, which also mitigates the building massing. As such, staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings.

Given the above Planning staff are satisfied that the application maintains the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area. Further, staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties.

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 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: Brooke Herczeg, Zoning Examiner

Appendix 3- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner