

# City of Mississauga Department Comments

Date Finalized: 2024-03-01	File(s): A116.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-07 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the application, as amended and subject to the following condition.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. An exterior side yard setback of 4.56m (approx. 14.96ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
2. An interior side yard setback of 2.31m (approx. 7.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.00m (approx. 9.84ft) in this instance;
3. A roof height of 9.52m (approx. 31.23ft) whereas By-law 0225-2007, as amended, permits a maximum roof height of 7.50m (approx. 24.61ft) in this instance;
4. A gross floor area of 499.70sq m (approx. 5378.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 437.90sq m (approx. 4713.52sq ft) in this instance;
5. A lot coverage of 36.8% (456.11sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% (309.80sq m) in this instance;
6. An exterior window well setback of 3.39m (approx. 11.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.30m (approx. 20.67ft) in this instance;
7. A front yard setback to the roof eaves of 6.52m (approx. 21.39ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.05m (approx. 23.13ft) in this instance;
8. An exterior setback to the roof eaves of 3.71m (approx. 12.17ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.05m (approx. 23.13ft) in this instance;
9. An interior roof eaves setback of 0.76m (approx. 2.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.55m (approx. 8.37ft) in this instance;
10. A side entry landing interior setback of 1.07m (approx. 3.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;

11. A front yard setback to the porch roof of 5.04m (approx. 16.54ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
12. An exterior balcony setback of 3.95m (approx. 12.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.50m (approx. 21.33ft) in this instance;
13. A garage projection of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
14. A front yard setback to the garage of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
15. An interior setback to the patio roof of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance; and,
16. An exterior setback to the patio of 3.95m (approx. 12.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance.

### **Recommended Conditions and Terms**

Planning staff recommend approval of the application, subject to the following conditions:

1. The approval of the application is subject to the condition that the proposal is maintained in general conformance with the submitted plans.

### **Amendments**

The Building Department is processing Building Permit application BP 9NEW 23-8868. Based on review of the information available in this application, we advise that following amendments to item #3, #15 & #16 are required:

2. A flat roof height of 9.52m (approx. 31.23ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
15. An interior setback to the balcony of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance; and,
16. An exterior setback to the deck of 3.95m (approx. 12.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance.

## **Background**

**Property Address:** 264 Pinewood Trail

**Mississauga Official Plan**

Character Area: **Mineola Neighbourhood**  
Designation: **Residential Low Density I**

### Zoning By-law 0225-2007

Zoning: **R1-1- Residential**

### Other Applications:

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of the Broadmoor Avenue and Mineola Road East intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in both of the front, exterior side and rear yards.

The applicant is requesting permission to construct a new two-storey detached dwelling requiring variances related to flat roof height, gross floor area, lot coverage, garage projection 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 Zoning By-law?**

Variances #1, 6, 7, 8, 11, 12, 14 and 16 are for exterior and front yard setbacks. Planning staff observe that the proposed setbacks align with those found in the immediate area. The presence of a large municipal boulevard further contributes to the perception that the dwelling is set back appropriately. In light of these considerations, staff supports these variances.

Variances #2, 9, 10 and 15 pertain to interior side yard setbacks. The proposed setbacks align with those found in the immediate area. Furthermore, the setbacks ensure adequate access to the rear yard is maintained. Lastly, staff is of the opinion that the setbacks provide an appropriate buffer to neighbouring structures and dwellings and will not create massing issues. As such, staff recognizes that these variances are minor.

Variance #3 pertains to 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, it was intended to restrict large flat roof dwellings that would have been permitted to a maximum height of 10.70m (35.1ft) and ultimately could accommodate a three-storey dwelling due to its architectural style. The proposed dwelling is two-storeys and although it is considered a flat roof dwelling based on the zoning by-law's definition, the dwelling contains multiple roofs which appear sloped. The variance requested is required to accommodate the highest peak of only one of the roofs, measuring 9.52m (approx. 31.23ft) high, with the remaining portion of that roof sloping downward to a height of 8.05m. The remaining roofs have a maximum height of 8.05m (26.41ft), representing a small deviation from the maximum permission. The additional height would have a negligible impact to the abutting properties and neighbourhood as a whole.

Variance #4 is for gross floor area. The proposed dwelling incorporates architectural features that breaks up the first and second storeys, contributing to a reduction in the overall visual massing of the dwelling. This design approach ensures that the proposed dwelling seamlessly aligns with the established character of the streetscape. As such, Planning staff are of the opinion that the proposed dwelling's design is not only harmonious with the intended character of the area but also respects the neighbourhoods' existing character.

Variance #5 pertains to lot coverage. Staff note that the dwelling's footprint (including garage) covers approximately 24% of the subject property. The remaining coverage would be attributed to covered porches, a patio, patio roofs, a balcony and second floor terrace decks, which do not pose any significant massing concerns. The proposed dwelling also contains staggered walls and clearly defined architectural features that would break up the first and second storeys. The combination of these factors minimizes the massing impact of the dwelling.

Variance #13 is for garage projection. Planning staff have no concerns regarding this request. The garage projects 0.61m (2.00ft) beyond the dwelling's face which represents a minor

increase. Furthermore, the impact of the projection is lessened by the front covered porch which projects beyond the garage projection.

Planning staff are satisfied that the amended variances, subject to the above condition, meet 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?**

It is staff's opinion that the proposed development is sympathetic to the surrounding area. As such, it is staff's opinion that the proposed development is appropriate and represents a sensitive form of intensification that is minor in 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, File BP 9NEW 23/8868.

Comments Prepared by: John Salvino, Development Engineering Technologist







## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-8868. Based on review of the information available in this application, we advise that following amendments to item #3, #15 & #16 are required:

1. An exterior side yard setback of 4.56m (approx. 14.96ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
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16. An exterior setback to the deck of 3.95m (approx. 12.96ft) whereas By-law 0225-2007,



as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier, Zoning Examiner

### **Appendix 3 – Region of Peel**

#### **Minor Variance: A-24-116M / 264 Pinewood Trail**

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: Ayooluwa Ayoola, Planner