

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A100.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

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 for the garage face of 4.20m (approx. 13.78ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
2. A gross floor area of 332.81sq m (approx. 3582.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 311.82sq m (approx. 3356.40sq ft) in this instance;
3. An exterior side yard setback of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.65ft) in this instance;
4. An exterior side yard setback for the porch and stairs of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.40m (approx. 14.44ft) in this instance;
5. An exterior side yard setback for the balcony of 4.48m (approx. 14.79ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.00m (approx. 16.40ft) in this instance;
6. An exterior side yard setback for the eave of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the eave of 5.55m (approx. 18.21ft) in this instance;
7. A lot area of 609.90sq m (approx. 6564.91sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance; and,
8. A lot frontage of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

Amendments

The Building Department is processing Building Permit application BP 9NEW 23-9289. Based on review of the information available in this application, Zoning staff advise that Variance #7 and #8 are not required.

Background

Property Address: 1165 Canterbury Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

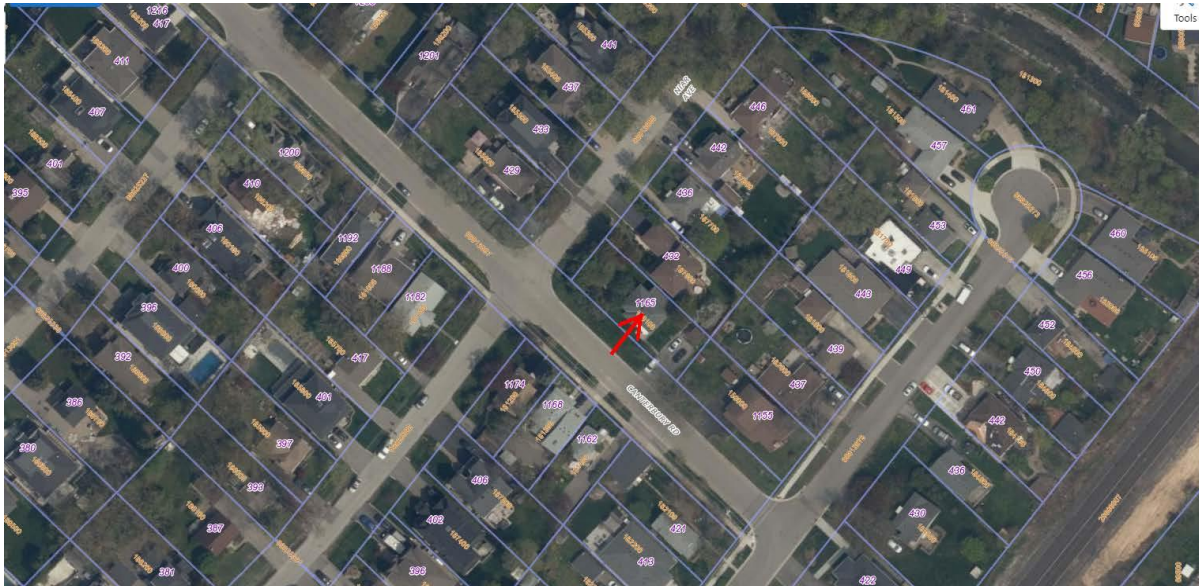
Zoning: R3-1- Residential

Other Applications: Building Permit application BP 9NEW 23-9289

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Mineola Gardens and Atwater Avenue intersection. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property is a corner lot currently containing a one-storey detached dwelling with vegetation in the front and exterior side yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for gross floor area and exterior side yard 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 located in the Mineola Neighbourhood Character Area 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. Section 16.18.1 of the Mineola Neighbourhood Character policies note that 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 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?

Variations #1, #3, 4, 5 and 6 pertain to the exterior side yard setback measured to the garage face, dwelling, porch and stairs, balcony and the eaves respectively. Staff note that due to the position and orientation of the dwelling on a corner parcel, the front façade of the dwelling faces the exterior side yard. As a result, though technically considered the exterior side yard, the

subject yard functions as a front yard in this particular instance. The intent of the front yard setback regulations is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The exterior side yard setback proposed are consistent with other front yard setbacks found in the immediate area.

Variance #2 pertains to gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the proposed dwelling is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings and that the proposed increase is minor in nature.

Zoning staff note Variance #7 and #8 are not required as the lot already exists.

Given the above, Planning staff are satisfied that the requested variances maintain 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 does not pose massing concerns on abutting properties and is appropriate for the subject property. The variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the dwelling are being addressed by our Development Construction Section through the Building Permit process BP 9NEW-23/9289.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9289. Based on review of the information available in this application, we advise that following amendments are required:

1. An exterior side yard setback for the garage face of 4.20m (approx. 13.78ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
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6. An exterior side yard setback for the eaves of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the eaves of 5.55m (approx. 18.21ft) 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 – Metrolinx

1165 Canterbury Road - A100.24

Metrolinx is in receipt of the Minor Variance application for 1165 Canterbury Rd 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 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-24-100M / 1165 Canterbury Rd

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, standards, and specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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 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 is required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections 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 by email at siteplanservicing@peelregion.ca
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Junior Planner