

City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): A117.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 the construction of a new house proposing:

1. A lot coverage of 33.50% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A front yard setback of 10.17m (approx. 33.37ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
3. A front yard setback to the garage of 10.48m (approx. 34.38ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
4. A north interior side yard setback of 3.01m (approx. 9.88ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.20m (approx. 13.78ft) in this instance;
5. A north interior side yard setback to the eaves of 2.91m (approx. 9.55ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.75m (approx. 12.30ft) in this instance;
6. A front yard setback to the front porch of 8.65m (approx. 28.38ft) whereas By-law 0225-2007, as amended, requires a minimum front yard porch setback of 10.40m (approx. 34.12ft) in this instance;
7. A north side yard setback encroachment variance for the chimney of 2.70m (approx. 8.86ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.60m (approx. 11.81ft) in this instance;
8. A cabana building height of 3.74m (approx. 12.27ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 3.50m (approx. 11.48ft) in this instance; and,
9. A north window well interior side yard setback of 2.04m (approx. 6.69ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.60m (approx. 11.81ft) in this instance.

Amendments

The Building Department is currently processing a building permit application under file BP 9NEW 23-10611:

Please note that variance 6 is incorrect. The setback must be taken to the step of the front porch. Therefore, the reduction is to 8.34 metres not 8.65 metres as requested.

Background

Property Address: 357 Isabella Ave

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

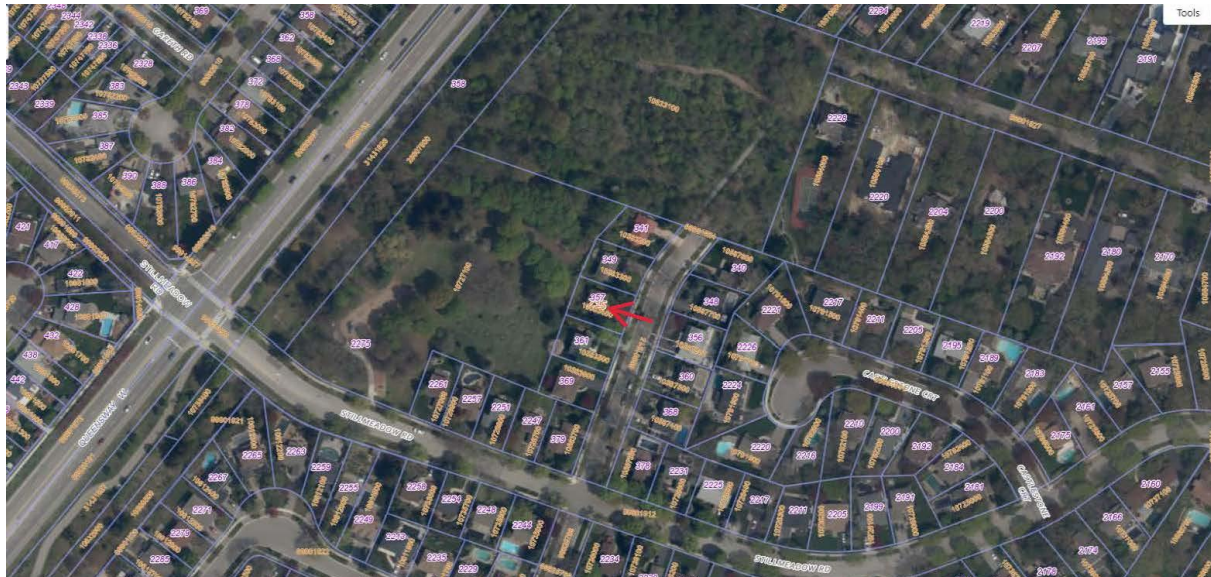
Zoning: R1- Residential

Other Applications: BP 9NEW 23-10611

Site and Area Context

The subject property is located south-east of the Queensway West and Stillmeadow Road intersection. The lot currently contains a single detached dwelling and has a lot frontage of +/- 23.02m (75.52ft) and a lot area of +/- 754.86m² (8,125.24ft²). Mature vegetation is present throughout the property. The surrounding area context consists exclusively of detached dwellings on lots of varying sizes.

The applicant is proposing a new dwelling requiring variances for lot coverage, front and side yard setbacks and accessory structure height.



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 within the Cooksville Neighbourhood Character Area and is designated Residential Low Density I by the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context and the landscape of the character area. Staff are of the opinion that the proposal represents compatible development that is in line with the planned character of the area and meets the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 represents an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that would impact the streetscape as well as abutting properties. The dwelling accounts for 27.08% lot coverage while the front and rear covered porch and the cabana account for the remaining 5.97% of the lot coverage. This has the effect of dividing up the massing across the lot thereby limiting impacts to abutting properties. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings.

Variances 2, 3 and 6 request a reduced front yard measured to the dwelling, garage and porch. The intent of a front yard setback 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. Planning staff met with the applicant to discuss revisions to the application. The applicant has submitted revised drawings depicting an increase to all of the front yard setback variances. The front yard setback to the dwelling has increased from 10.17m (33.36ft) to 10.67m (35ft). The front yard setback to the garage has increased from 10.48m (34.38ft) to 10.98m (36.02ft). The front yard setback to the porch has increased from 8.34m (27.36ft) to 8.84m (29ft). Planning staff are of the opinion that the resulting variances are minor in nature and will not have significant impacts to the streetscape.

Variances 4, 5, 7 and 9 request a reduced side yard measured to the dwelling, eaves, chimney and window well. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage patterns can be provided and access to the rear yard remains unencumbered. Staff are satisfied that the proposed setbacks are negligible and are consistent with the setbacks found in the immediate area. Furthermore, the proposed setbacks maintain adequate access to the rear yard and ensure an adequate buffer is provided. Additionally, Transportation and Work's staff have noted no drainage concerns.

Variance 8 relates to an increase in accessory structure height. The intent of the height provision is to ensure that the structure is proportional to the lot and dwelling and is clearly accessory, while not presenting any massing concerns to the neighbouring lots. Staff note that the proposed height represents a small deviation from what is currently permitted as of right in the zoning by-law. Additionally, there are no variances for accessory structure area or setbacks thereby limiting the structure's massing impacts.

Given the above, staff are satisfied that the proposal 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. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned and existing character of the area.

Comments Prepared by: Daniel Grdasic, 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 new dwelling will be addressed through the Building Permit Process.



Comments Prepared by: Tony Iacobucci, T&W Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9NEW 23-10611. Based on review of the information currently available it appears that the applicant has updated their drawings from what was originally reviewed. Further, Staff had asked for additional information to confirm if all variances were captured. Staff has yet to receive the requested information.

Please note that variance 6 is incorrect. The setback must be taken to the step of the front porch. Therefore, the reduction is to 8.34 metres not 8.65 metres as requested.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Stillmeadow Park (P-082) and zone OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

Minor Variance: A-24-117M / 357 Isabella Ave

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 are 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, Planner