

City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A231.24
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-05-30 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 the construction of a new house proposing:

1. A north side yard setback (second storey) of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum north side yard setback (second storey) of 1.81m (approx. 5.94ft) in this instance;
2. A south side yard setback (second storey) of 1.64m (approx. 5.38ft) whereas By-law 0225-2007, as amended, requires a minimum south side yard setback (second storey) of 1.81m (approx. 5.94ft) in this instance;
3. A walkway attachment width of 2.39m (approx. 7.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
4. A front yard soft landscaped area of 39.17% (53.11sq m) whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscaped area of 40.00% (54.23sq m) in this instance; and,
5. A garage area of 43.80% (244.16sq m) whereas By-law 0225-2007, as amended, permits a maximum garage area of 35.00% (195.19sq m) in this instance.

Amendments

The Building Division is processing Building Permit application BP 9NEW 23-10644. Based on the review of the information available in this application, the following requested variances are correct:

1. A north side yard setback (second storey) of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum north side yard setback (second storey) of 1.81m (approx. 5.94ft) in this instance;

City Department and Agency Comments	File:A231.24	2024/05/22	2
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2. A south side yard setback (second storey) of 1.64m (approx. 5.38ft) whereas By-law 0225-2007, as amended, requires a minimum south side yard setback (second storey) of 1.81m (approx. 5.94ft) in this instance;
3. A walkway attachment width of 2.39m (approx. 7.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
4. A front yard soft landscaped area of 39.17% (53.11sq m) whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscaped area of 40.00% (54.23sq m) in this instance;

We also advise that following amendments are required:

5. A lot coverage area of 43.80% (244.16sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage area of 35.00% (195.19sq m) in this instance
6. A garage area of 96.33m² (1036.9sqft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75m² (807.3sqft) in this instance

Background

Property Address: 3256 Rhonda Valley

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

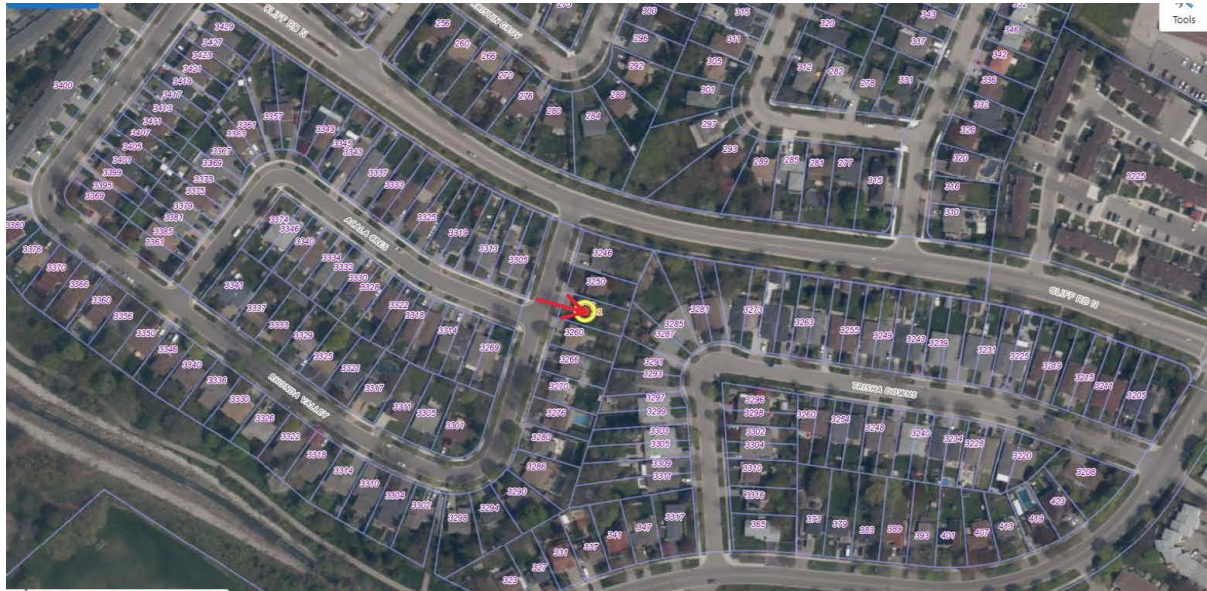
Zoning: R3-Residential

Other Applications: BP 9NEW 23-10644

Site and Area Context

The subject property is located south-west of the Central Parkway East and Cliff Road North intersection in the Mississauga Valleys Neighbourhood Character Area. It is an interior lot that currently contains a detached dwelling with a attached garage. Limited landscaping and mature vegetation exists throughout the subject property. The subject property has an approximate lot frontage of +/- 15.24m (50ft) and a lot area of +/- 557.38m² (5,999.58ft²), which is characteristic of detached dwellings in the area. The surrounding context is exclusively residential, consisting of a mix of detached, semi-detached and townhouse dwellings.

The applicant is proposing to construct a new dwelling requiring variances for side yard setbacks, walkway attachment width, front yard soft landscaping area, lot coverage and garage 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Mississauga Valleys Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of 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?

Variances 1 and 2 relate to a reduction in the side yard setbacks to the proposed second storey. The intent of the side yard setback regulation is to ensure that there is an appropriate buffer between structures on abutting properties, appropriate drainage can be maintained and to ensure access to the rear yard remains unencumbered. The second storey on the proposed dwelling is being built over the first storey and will have the same side yard setback as the first storey, which remains consistent with other two-storey detached dwellings found in the immediate area. As such, it is staff's opinion that the requested variances are a minor deviation from the by-law and do not pose any concerns. Furthermore, staff are satisfied that the proposed side yards provide an adequate buffer, appropriate drainage can be maintained and access to the rear yard remains unencumbered.

Variance 3 pertains to an increase to the walkway attachment. The intent of this portion of the by-law is to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff note the subject property contains a reverse grade driveway and the walkway area is the only location which provides a dedicated pathway to the dwelling, as the remainder of the driveway is bound by a retaining wall. Staff are of the opinion that the walkway attachment width provides a convenient and dedicated pathway to accommodate pedestrians, defines the entryway to the dwelling and ensures the walkway cannot be utilized for parking purposes.

Variance 4 requests a reduction to the soft landscaping area in the front yard. Staff noted their concerns with the requested variance to the applicant. Through correspondence with the applicant, they have submitted a revised site plan which reduces the hard surface landscaping in the front yard thereby maintaining the required soft landscaping ratio. Staff note this variance is no longer required.

Variance 5 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note the dwelling itself represents a lot coverage of approximately 36.9%. The proposed front porch, rear deck and second floor balcony account for the remaining 6.9% of the lot coverage. Generally, these structures are small and low to the ground limiting any impacts of the massing of the dwelling itself. Staff are therefore satisfied that the lot coverage does not contribute to overdevelopment of the lot and represents an appropriate balance between the existing and planned character of the area in this instance.

Variance 6 requests an increase in garage area. The intent in restricting the garage area is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to liveable space rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from garage space from a streetscape perspective. The subject property contains a reverse grade driveway which leads directly to the below grade garage. Staff note the garage is hidden below the dwelling's façade, mitigating any potential massing concerns and limiting its impact on the streetscape. The garage's location results in this portion of the structure being concealed from a streetscape perspective. Staff are satisfied that the garage area is appropriately sized for the lot and the dwelling.

Given the above, staff are of the opinion 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?

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the proposal represents orderly development of the subject property.

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.

It should also be noted that this department typically discourages reverse grade driveways, however, the existing dwelling currently has a reverse grade driveway with an existing catchbasin and assume that it can also be utilized for the new dwelling. Any specifics for the reverse grade driveway will be addressed through the Building Permit Process.

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





Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-10644. Based on the review of the information available in this application, the following requested variances are correct:

1. A north side yard setback (second storey) of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum north side yard setback (second storey) of 1.81m (approx. 5.94ft) in this instance;
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Please note that comments reflect those provided through the above application submitted on 03/11/2024. 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

1. 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.
2. 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.

3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Minor Variance: A-24-231M / 3256 Rhonda Valley

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.
- 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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner