

City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): A365.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-08-29 1:00:00 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 an addition proposing:

1. A side yard setback to a driveway of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a driveway of 0.60m (approx. 1.97ft) in this instance;
2. A side yard setback to a second storey of 0.93m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a second storey of 2.41m (approx. 7.91ft) in this instance;
3. A combined side yard setback of 4.88m (approx. 16.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 4.93m (approx. 16.18ft) in this instance;
4. An interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance.

Amendments

The Building Department is processing Building Permit/BP 9ALT 24-447. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

2. A side yard setback to a second storey of 0.95m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a second storey of 2.41m (approx. 7.91ft) in this instance;

And the following variances be added:

5. A proposed setback to decorative paving of 0.26m whereas By-law 0225-2007 as amended required a setback to decorative paving of 0.6m in this instance.

6. A proposed eave height of 6.44m whereas By-law 0225-2007 as amended permit a maximum eave height of 6.4m in this instance.

Background

Property Address: 380 Niar Ave

Mississauga Official Plan

Character Area: Mineola Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

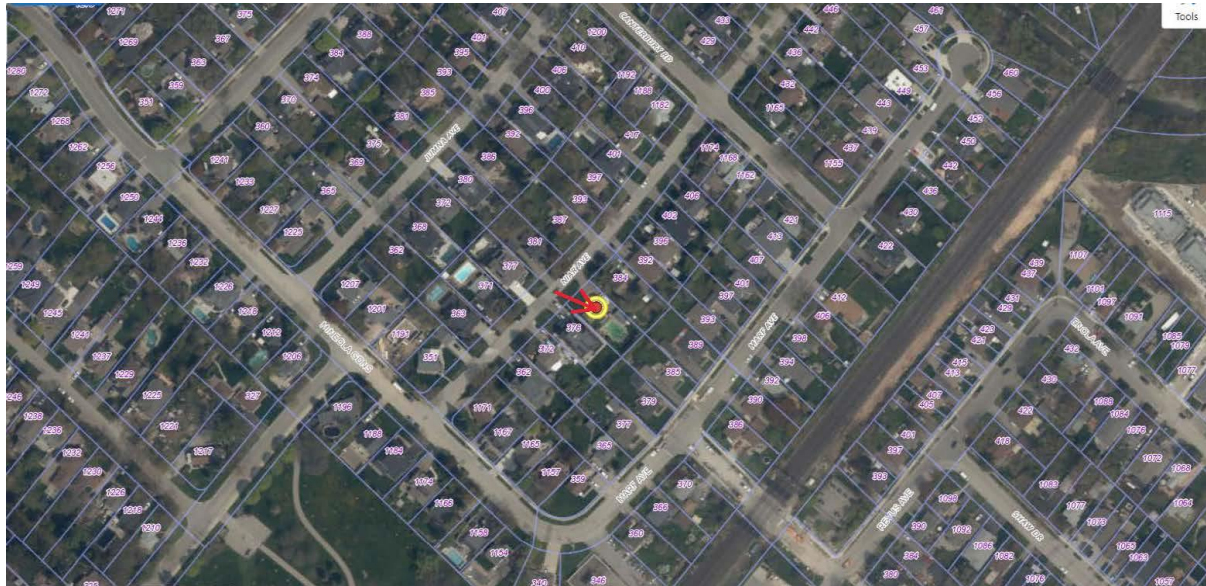
Zoning: R3-1 - Residential

Other Applications: Building Permit BP 9ALT 24-447

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Mineola Road East and Hurontario Street intersection. The immediate neighbourhood is primarily residential. The residential uses consist of one and two-storey detached dwellings on lots with mature vegetation in the front yard. The subject property contains a one and a half storey detached dwelling with vegetation in the front yard.

The applicant is proposing a second storey addition requiring variances for setbacks measured to various side yard regulations and eave 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 in the Mineola Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings in this instance. 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. The proposal respects the designated and surrounding land uses. Staff are satisfied that the addition will not negatively impact neighbouring properties. Furthermore, staff are of the opinion that the built form is compatible with the surrounding context 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, #2 as amended, #4 and #5 all pertain to side yard setbacks measured to the driveway, second storey, first storey and decorative paving respectively. Variance #3 is for a combined side yard setback width. The general intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between primary structures on adjoining properties,

appropriate drainage patterns can be maintained and to ensure access to the rear yard remains unencumbered. Variances #1, #3, #4 and #5 are existing conditions.

The applicant is proposing to build on top of the existing first storey and will not be encroaching farther into the side yard than the existing structure already does. Staff are satisfied that maintaining the existing side yards provides an adequate buffer, maintains existing drainage patterns and permits continued access to the rear yard. Building directly on top of the existing wall does not create any significant additional impacts when compared to as of right permissions. With respect to the 0m driveway setback, Planning staff do not typically support variances for 0m setbacks to paved surfaces and driveways, however, staff note that variances with 0m setbacks are common in the immediate area. Furthermore, Transportation and Works note that any requirements are being addressed through the Building Permit process.

Variance #6 requests an increase in eave height. Staff note the increase is exceedingly minor. The applicant is proposing an eave height of 6.44m (approx. 21.22ft) whereas 6.4m (approx. 20.9ft) is permitted. Staff are of the opinion that the increase is negligible and will not be perceptible from the streetscape. Staff have no concerns with the variance.

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 application is minor in nature and represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, 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 addition and driveway setback are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/447.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit/BP 9ALT 24-447. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

2. A side yard setback to a second storey of 0.95m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a second storey of 2.41m (approx. 7.91ft) in this instance;

And the following variances be added:

5. A proposed setback to decorative paving of 0.26m whereas By-law 0225-2007 as amended required a setback to decorative paving of 0.6m in this instance.

6. A proposed eave height of 6.44m whereas By-law 0225-2007 as amended permit a maximum eave height of 6.4m 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

City of Mississauga Department Comments

Appendix 4 – Region of Peel

Minor Variance Application: A-23-365M / 380 Niar Avenue

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

Comments:

- 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

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 380 Niar Avenue to approve a minor variance to allow an addition proposing:

- A side yard set to a driveway of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard set to a driveway of 0.60m (approx. 1.97ft) in this instance.
- A side yard set to a second storey of 0.93m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard set to a second storey of 2.41m (approx. 7.91ft) in this instance.
- A combined side yard setback of 4.88m (approx. 16.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 4.93m (approx. 16.18ft) in this instance.
- An interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance.

As circulated on July 31st, 2024, and to be heard at Public Hearing on August 29th, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m, adjacent to, the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised of the following:
 - Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with

Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review