

# City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): A366.24
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 the construction of a new house proposing:

1. A side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A combined interior side yard setback of 3.05m (approx. 10.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined interior side yard setback of 3.60m (approx. 11.81ft) in this instance;
3. The height of eaves from average grade of 7.38m (approx. 24.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 21.00ft) in this instance;
4. A height to top of the roof of 9.27m (approx. 30.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to top of the roof of 9.00m (approx. 29.53ft) in this instance;
5. A gross floor area of 356.88sq m (approx. 3841.46sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 329.35sq m (approx. 3545.12sq ft) in this instance;
6. A setback to the eaves of 0.75m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eaves of 1.36m (approx. 4.46ft) in this instance.

## Amendments

The Building Department is processing Building Permit application BP 9NEW 23-6051. Based on review of the information available in this application, Zoning staff advise that following amendment is required:

City Department and Agency Comments	File:A366.24	2024/08/22	2
-------------------------------------	--------------	------------	---

---

3. The height of eaves from average grade of 7.43m (approx. 24.38ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 21.00ft) in this instance;

## Background

**Property Address:** 555 Exbury Cres

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

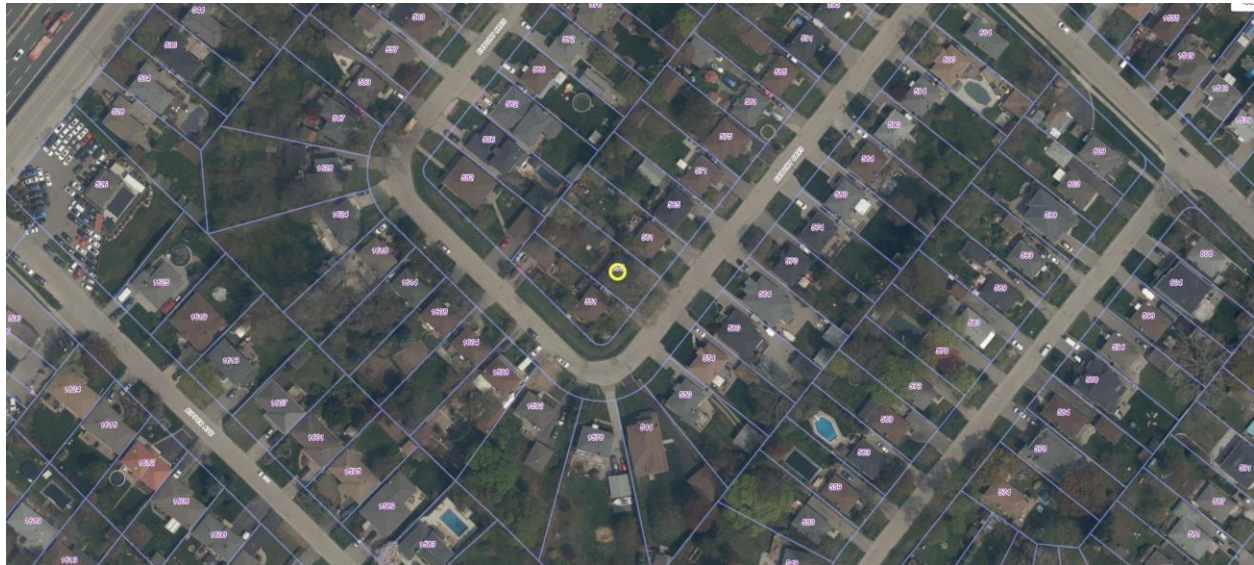
**Zoning:** R3-1 - Residential

**Other Applications:** Building Permit application BP 9NEW 23-6051

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of the South Service Road and Cawthra Road 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 storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new detached dwelling requiring variances for setbacks, eave height, height and gross floor 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 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 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. The proposed dwelling represents a permitted use and possesses a built form that is in line with the planned character of the area. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

Variances #1, #2 and #6 pertain to side yard setbacks. Variances #1 and #6 require a reduction in setbacks measured to the second storey and eaves respectively. Variance #2 pertains to the combined side yard width. 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. Staff note the reduction in the side yard setback is measured to the second storey and eaves. The first storey meets the minimum side yard setback requirement, and the applicant is

proposing to align the second storey on top of the first storey. Staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area and provide an adequate buffer.

Variances #3 as amended and #4 pertain to eave height and dwelling height respectively. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increases in height are appropriate for the subject property and note that for portions of the property the average grade is below the finished grade by 0.23m (0.75ft), reducing the appearance of the overall height of the structure. Further, staff are satisfied that the proposed height increase of 0.27m (0.88ft) is negligible and minor in nature.

Variance #5 requests an increase in the gross floor area (GFA). 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 satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings. Staff are of the opinion that the proposed design limits its impacts to both abutting properties and the streetscape. Further, staff note no variances have been requested for lot coverage which further mitigates massing impacts.

Given the above, staff are satisfied that the intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

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 dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-23/6051.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-6051. Based on review of the information available in this application, we advise that following amendment is required:



City Department and Agency Comments	File:A366.24	2024/08/22	6
-------------------------------------	--------------	------------	---

---

3. The height of eaves from average grade of 7.43m (approx. 24.38ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 21.00ft) 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 – 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

### **Appendix 4 – Region of Peel**

#### **Minor Variance Application: A-23-366M / 555 Exbury Crescent**

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

#### **Comments:**

- 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](mailto:PWServiceRequests@peelregion.ca)
- 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.
- 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).
- 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: Petrele Francois, Junior Planner