

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A377.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an Additional Residential Unit (ARU) proposing:

1. A height of 4.33m (approx. 14.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
2. A lot coverage for the ARU of 12.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage for the ARU of 10.00% in this instance; and,
3. A floor area for the ARU of 73.38sq m (approx. 789.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area for the ARU of 59.20sq m (approx. 637.23sq ft) in this instance.

Background

Property Address: 2965 Nipiwini Drive

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

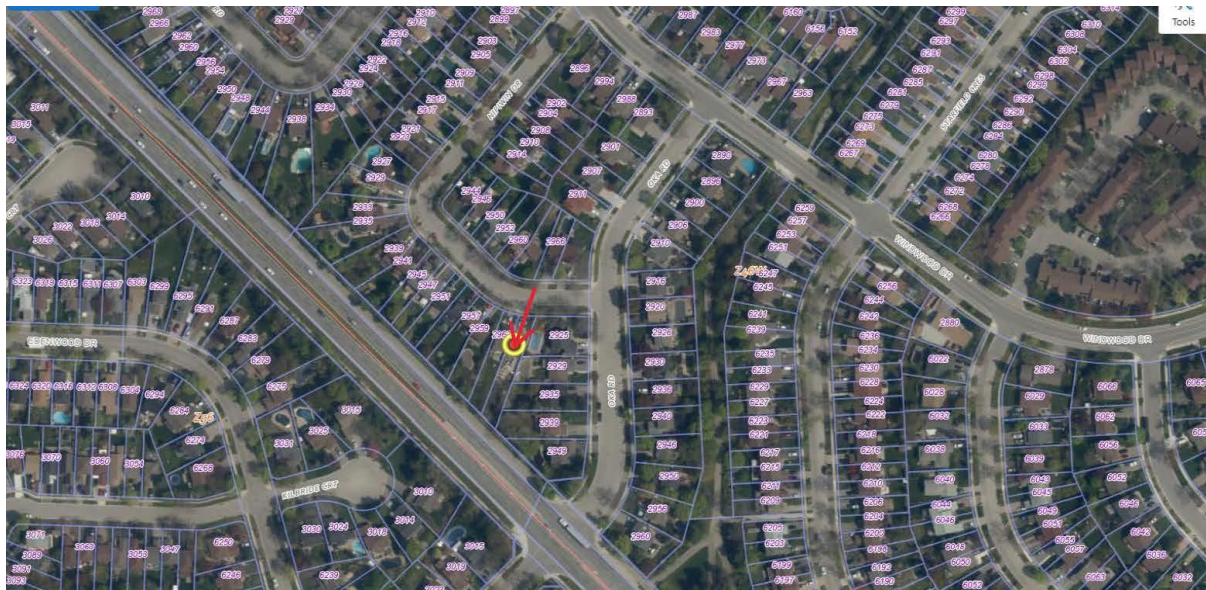
Zoning: RM1-Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Winston Churchill Boulevard and Britannia Road West intersection in the Meadowvale Neighbourhood Character Area. It is an interior lot containing a two-storey semi-detached dwelling with an attached garage. Limited landscaping and mature vegetation exists on the subject property. The neighbourhood is primarily residential, consisting of detached and semi-detached dwellings on varied lot sizes.

The applicant is proposing the construction of a detached additional residential unit (ARU) in the rear yard requiring variances for height, lot coverage 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:

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. 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. Bill 23, More Homes Built Faster

Act, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available.

Planning staff are of the opinion that the proposed built form of the ARU is appropriate for the subject property and that it will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the designated and surrounding land uses. Therefore, planning staff are of the opinion that the requested variances maintain the general intent and purpose of the official plan.

City Council passed By-Law 0174-2023, on November 10, 2023, amending the City’s parent zoning By-Law 0225-2007, to introduce and regulate ARUs.

Variances 1, 2 and 3 pertain to the ARU area, lot coverage and height. The intent of the zoning by-law provisions regarding the size of the ARU is to ensure that the structure is proportional to the lot and dwelling while not presenting any massing concerns to neighbouring lots. Staff note that the ARU regulations are based on a property’s lot size. The proposed ARU floor area exceeds the maximum permissible floor area for an ARU by 14.18m² (152.63ft²) and height by 1.33m (4.36ft). Staff note the height request is only to a portion of the roof and does not represent the condition for the entirety of the ARU roofline. Additionally, staff note no concerns with privacy and overlook, as Winston Churchill Boulevard abuts the property to the rear. Staff are satisfied that these are minor deviations from the permissible by-law regulations. Further, staff are satisfied that the proposed ARU is accessory to the main dwelling and property as it is one-storey in height and only represents approximately 12.4% of the lot area. The intent in limiting lot coverage is to ensure that there isn’t an overdevelopment of the lot and that would impact the streetscape as well as abutting properties. Staff are of the opinion that the proposed ARU is located appropriately on the subject property and does not require setback variances, mitigating potential negative impacts to neighbouring lots.

Staff are of the opinion that the proposal represents appropriate development of the lands and modest intensification. Staff are satisfied that the proposal maintains the general intent and purpose of the official plan and zoning by-law. Furthermore, staff are of the opinion that the proposed variances respect the surrounding neighbourhood context and that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 Additional Residential Unit (ARU) will be addressed through the Building Permit Process.

From our site inspection of this property, we also note that it is very well vegetated property and do not foresee any drainage related issues with the location of the proposed ARU.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Crystal Abainza, 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

Appendix 4 – Region of Peel**Minor Variance Application: A-24-377M / 2565 Nipwin Drive**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.
- 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