

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A243.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, meets the requirements of Section 45(1) of the Planning Act. 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 the construction of an addition proposing:

1. A gross floor area of 338.81m (approx. 3646.95sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 311.87sq m (approx. 3356.97sq ft) in this instance;
2. A lot coverage of 35.84% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A building depth of 21.21m (approx. 69.59ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
4. A driveway width of 6.22m (approx. 20.41ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
5. A window well encroachment of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 406 Jumna Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

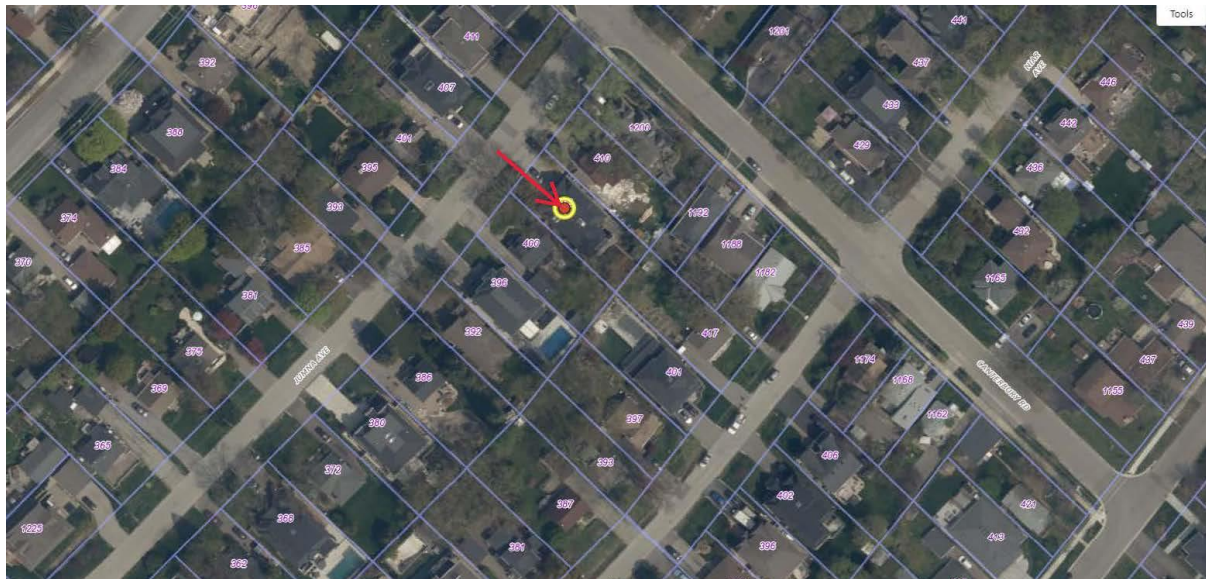
Zoning: R3-1-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, south-west of Cawthra Road and Atwater Avenue. The neighbourhood consists of one and two storey detached dwellings with mature vegetation. The subject property contains an existing two storey detached dwelling with vegetation within the front yard.

The applicant is proposing an addition requesting variances for gross floor area, lot coverage, building depth, driveway width and window well encroachment.



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 are as follows:

Staff note that this application was before the Committee of Adjustment on May 30, 2024, for similar variances. Staff had recommended refusal of variances pertaining to lot coverage, gross floor area (GFA) and dwelling depth. Staff had no concerns with the variances being sought for driveway width and window well encroachment at the time. The application was deferred by the applicant to address staff concerns.

The revised application proposes a reduction in the lot coverage and GFA from the original application. Through discussions with the applicant, it has been confirmed that the site statistics and calculations, including existing GFA and coverage, provided during the first submission were incorrect and have now been accurately identified.

Staff note that variances #4 and #5 remain identical to what was previously proposed and as such, staff comments remain the same recommending support for these variances.

With respect to Variances #1 and #2 pertaining to GFA and lot coverage respectively, the intent in restricting gross floor area and lot coverage is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. Furthermore, that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties.

Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts to both abutting properties and the streetscape. Staff note that the dwelling's footprint represents approximately 31.8% of the total lot coverage, which is below the maximum permissible lot coverage. Therefore, staff are of the opinion that the variance is required to only accommodate elements like the covered porch, overhangs and the shed, which do not have the same massing impacts. Staff also note that no variance has been requested for height which further mitigates any massing impacts.

Variance #3 requests an increase in the dwelling depth. The intent of the zoning by-law in regulating the dwelling depth is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. Staff note the dwelling meets the by-law requirements on one side at 16.94m (55.57ft) and that the increase in depth is required to accommodate the second floor on top of the covered rear deck. Staff are satisfied that the variance does not pose negative impacts.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning 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 addition will be addressed through the future Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

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

Our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 406 Jumna Avenue to approve a minor allow the construction of an addition proposing:

- A gross floor area of 338.81m (approx. 3646.95sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 311.87sq m (approx. 3356.97sq ft) in this instance;
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- A building depth of 21.21m (approx. 69.59ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
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- A window well encroachment of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.60m (approx. 1.97ft) in this instance.

As circulated on August 13th, 2024, and to be heard at Public Hearing on September 12th, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of 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