

# City of Mississauga Department Comments

Date Finalized: 2024-09-13	File(s): A415.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-19 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, as amended, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a gross floor area (infill residential) of 381.73sq m (approx. 4108.91sq ft) whereas the By-law 0225-2007, as amended, permits a maximum gross floor area of 344.4sq m (approx. 3707.09sq ft) in this instance.

### Amendments

The Building Department is processing Building Permit application BP 9NEW 23-9741. Based on review of the information available in this application, Zoning staff advise that following amendment is required:

1. To permit a window well setback in the front yard of 6.89m (approx. 22.60ft); whereas the By-law 0225-2007, as amended, permits a minimum setback in the front yard of 6.90m (approx. 22.64ft) in this instance.

## Background

**Property Address:** 262 Mineola Rd E

### Mississauga Official Plan

Character Area: Mineola Neighborhood  
Designation: Residential Low Density II

## Zoning By-law 0225-2007

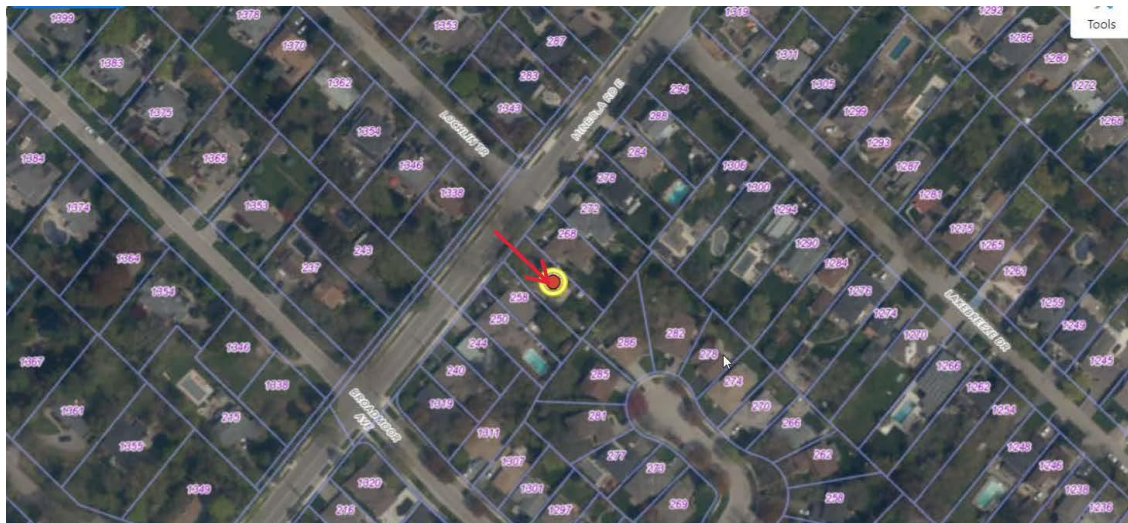
**Zoning:** R3-1 - Residential

**Other Applications:** Building Permit application BP 9NEW 23-9741

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, east of Hurontario Street and north of Lakeshore Road East. The immediate area consists of one and two storey detached dwellings. The subject property contains an existing one and half storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for gross floor area (GFA) and window well setback.



## 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:

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 community is an established low density residential neighbourhood with housing forms consisting of two storey dwellings. Staff are satisfied that the proposed built form is compatible with existing site conditions and the surrounding context.

Variance #1 requests an increase in the GFA from 344.4m<sup>2</sup> (approx. 3707.09ft<sup>2</sup>) to 381.73m<sup>2</sup> (4108.91ft<sup>2</sup>). Planning staff are of the opinion that the proposed increase is minor in nature and will not negatively impact the planned or existing character of the area. The proposed GFA is consistent with new dwellings in the area. Further, the dwelling meets the zoning regulations for dwelling height and lot coverage. Staff are therefore satisfied that the dwelling maintains an appropriate scale and are of the opinion that the general intent and purpose of the zoning by-law are maintained.

Variance #2 requests a relief in the window well setback requirements. Staff note the application proposes a decrease of 0.01m or 0.04ft. Staff are satisfied that this is extremely negligible and is an imperceivable change.

Staff are of the opinion that the proposal represents appropriate development of the subject property and that the dwelling is in line with surrounding redevelopment with minimal impacts on abutting properties or the streetscape.

Through a detailed review of the application, 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 dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 23/9741.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9741. Based on review of the information available in this application, we advise that following amendment is required:

1. To permit a window well setback in the front yard of 6.89m (approx. 22.60ft); whereas the By-law 0225-2007, as amended, permits a minimum setback in the front yard of 6.90m (approx. 22.64ft) 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the proposed 5.49m asphalt driveway on Mineola Rd. E., the 3.5% swale and the Heavy-Duty Silt Fence may injure the existing Silver Maple tree. This tree is classified as a boundary tree, and is located on both the property of 268 Mineola Rd. E. and within the City Right-of-Way (ROW). Further information regarding this tree is noted below:

- Silver Maple: 60cm DBH (approx.), good-fair condition, minimum Tree Protection Zone (TPZ) 3.6m, located northeast of the proposed driveway, boundary tree.

Care should be taken to protect the above noted boundary tree as best as possible. Note that if care is not taken, this tree may need to be removed depending on the impact of the proposed development. If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

Should further information be required, please contact Jamie Meston, Landscape Technician, 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 Technician

#### **Appendix 4 – Region of Peel**

##### **Minor Variance Application: A-24-415M / 262 Mineola Road East**

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

##### **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 is required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections 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