

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-10-03	File(s): A491.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:10/10/2024 1:00:00 PM

Consolidated Recommendation

The City recommends no objection to the application, subject to the amendment and condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A garage projection of 5.00m (approx. 16.41ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance;
2. A northern eaves side yard setback to the second storey of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, requires a minimum northern eaves side yard setback to the second storey of 1.36m (approx. 4.46ft) in this instance;
3. A southern eaves side yard setback to the second storey of 0.76m (approx. 2.49ft) whereas By-law 0225-2007, as amended, requires a minimum southern eaves side yard setback to the second storey of 1.36m (approx. 4.46ft) in this instance.

Amendments

The Building Department is currently processing a building permit under file BP 9NEW 24-2839

Based on review of the information currently available in this permit application, the following additional variance is required:

- To permit a balcony projection of 1.25 metres from the garage face whereas By-law 0225-2007, as amended, permits a maximum 1.0 metre projection of a balcony above the garage in this instance.

Recommended Conditions and Terms

Should Committee see merit in the application, Planning staff recommend:

1. Construction related to these variances shall be in general conformance with the drawings approved by the Committee.

Background

Property Address: 3261 Michaud Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

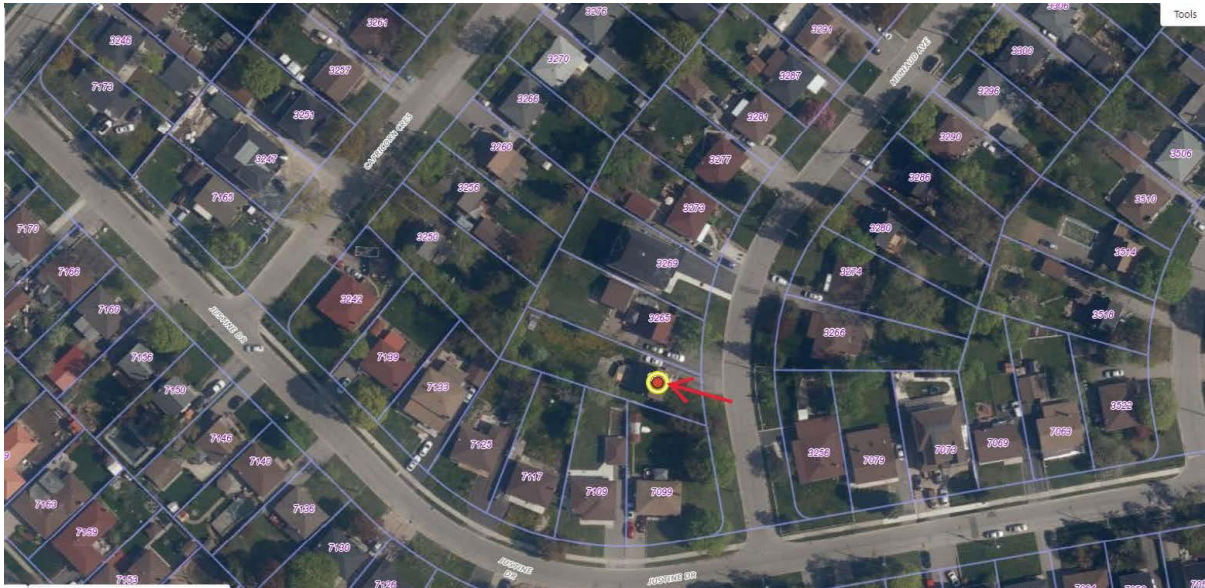
Zoning: R3-69 - Residential

Other Applications: BP 9NEW 24 2839

Site and Area Context

The subject property is located in the Malton Neighbourhood Character Area, north-west of the Derry Road East and Goreway Drive intersection. The subject property contains a single storey detached dwelling with no garage. Limited vegetation and landscaping elements are present on the subject property. The surrounding area is predominantly residential, consisting of detached dwellings

The applicant is proposing to demolish the existing dwelling to facilitate the construction of a new two-storey dwelling requiring variances for garage projection and eaves side yard 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 of the four tests to this minor variance request are as follows:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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.

Variance 1 requests an increased garage projection. The intent of this zoning by-law regulation is to maintain a consistent streetscape, while minimizing the ability for a garage to be an overwhelming and dominant feature of the front dwelling facade. Staff note the existing character of the neighbourhood predominantly contains one-storey dwellings that tend to not have attached garages, although attached garages are permitted with the zoning by-law that applies neighbourhood wide. In addition, residential dwellings that have recently been constructed generally contain two-car garages with varying degrees of projection. The R3-69 zone permits a garage projection of 2.0m (6.56ft) and the proposed variance is for an additional 3.0m (9.84ft). In review of the plans, we note that the proposed dwelling maintains the general required setbacks to all lot lines, including the front yard setback, and is not infringing on lot

coverage. Staff are satisfied that the variance does not contribute to an overdevelopment of the property. Based on the above, staff are satisfied that the proposed garage projection does not create additional negative impacts to the streetscape or abutting properties due to its position on the subject property. Staff are of the opinion that the overall built form of the dwelling is compatible with other new dwellings found in the neighbourhood.

Variations 2 and 3 request reduced side yard setbacks to the eaves on both sides of the subject property. 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 eaves and that the first storey meets the minimum setback requirement. Staff are satisfied the proposed setbacks provide an adequate buffer between the massing of primary structures and have limited impacts on adjoining properties.

Zoning staff have noted an additional variance is required for balcony projection. The intent of this portion of the by-laws is to mitigate any privacy or overlook conditions. Staff note the proposed balcony faces the front yard and are satisfied that the balcony is appropriately sized and setback from the front yard lot line thereby mitigating any privacy and overlook conditions to abutting properties.

Planning staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law. The proposed variances, both individually and cumulatively, are minor in nature, result in orderly development of the subject property and are not expected to create undue impacts to abutting properties or the streetscape.

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 new dwelling will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9NEW 24-2839

Based on review of the information currently available in this permit application, the following additional variance is required:

- To permit a balcony projection of 1.25 metres from the garage face whereas By-law 0225-2007, as amended, permits a maximum 1.0 metre projection of a balcony above the garage in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings

must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Tage Crooks, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-491M / 3261 Michaud Avenue

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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 by email at siteplanservicing@peelregion.ca.
- 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.

- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner