

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A539.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

### Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required

### Application Details

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

1. A lot coverage of 37.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A front yard setback of 7.29m (approx. 23.92ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
3. An easterly interior side yard setback to the second storey of 1.97m (approx. 6.46ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
4. A westerly interior side yard setback to the second storey of 1.90m (approx. 6.23ft) whereas By-law 0225-2007, as amended, requires a minimum westerly interior side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
5. A combined side yard setback of 3.87m (approx. 12.70ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 5.75m (approx. 18.87ft) in this instance;
6. An eaves height of 6.54m (approx. 21.46ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
7. A gross floor area of 415.76sq m (approx. 4475.24sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 385.48sq m (approx. 4149.31sq ft) in this instance;
8. A garage projection beyond the main wall of 1.25m (approx. 4.09ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection beyond the main wall of 0.00m (approx. 0.00ft) in this instance;

9. A dwelling depth of 27.00m (approx. 88.59ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
10. An easterly eaves encroachment of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum easterly eaves encroachment of 0.45m (approx. 1.48ft) in this instance;
11. A westerly eaves encroachment of 0.51m (approx. 1.67ft) whereas By-law 0225-2007, as amended, permits a maximum westerly eaves encroachment of 0.45m (approx. 1.48ft) in this instance.

## Background

**Property Address: 1404 Milton Ave**

### Mississauga Official Plan

Character Area: Mineola Neighborhood  
Designation: Residential Low Density I

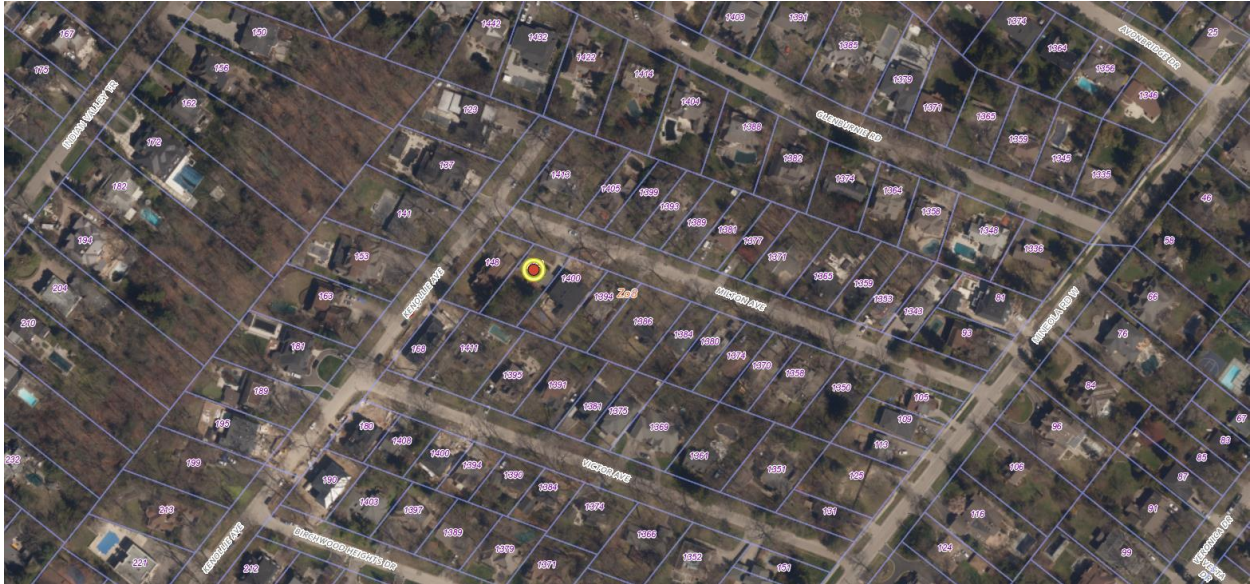
### Zoning By-law 0225-2007

**Zoning: R2-1 - Residential**

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of the Mineola Road West and Hurontario Street intersection. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings. The subject property contains a one storey detached dwelling with mature vegetation in the front yard.

The applicant proposes a new two-storey detached dwelling requiring variances for lot coverage, front yard setback, gross floor area, eaves height, side yard setbacks, eaves encroachment, garage projection and dwelling depth.



## 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 I in Schedule 10 of the Mississauga Official Plan. This designation permits detached dwellings. 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. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. 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?**

Variance #1 requests an increase in the lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. In this instance the proposed dwelling's footprint represents 27.93% of the total lot coverage, which is within the maximum permissible by-law regulations. Therefore,

staff are of the opinion that the variance is only required to accommodate a front porch and eaves. The porch represents 5.2% of the lot coverage, while the eaves represent 3.78% of the lot coverage. It is staff's opinion that these elements have little to no massing impacts on abutting properties and the community as a whole. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #2 is regarding the front yard setback. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The lot line is not parallel to the dwelling and as such, the required variance is only for a pinch point at the north-west corner. Staff note that the majority of the dwelling maintains the required front yard setback. Staff are satisfied that the reduction is consistent with other dwellings found in the neighbourhood and maintains the streetscape.

Variances #3, #4 and #5 pertain to side yard setbacks measured to the second storey and combined width of side yards. Variances #10 and #11 pertain to eave encroachment. 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. 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.

Variance #6 requests an increase in the eave height. The intent of restricting height of the eaves is to lessen the visual massing of the 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 note the variance requests an increase of 0.14m or 0.46ft. Staff are satisfied that the increase will be imperceptible from the streetscape and is exceedingly minor.

Variance #7 requests an increase in the gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the gross floor area request represents a moderate increase that is in line with new builds in the surrounding area and will not create a significant massing impact above the as of right permissions of the property.

Variance #8 pertains to garage projection and variance #9 is regarding 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. The intent of the zoning by-law with respect to garage projections is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. The dwelling depth variance is located on the west side of the dwelling only while the east side maintains a depth of 17.64m (57.11ft). Further, the variance includes the covered deck and porch. The dwelling itself maintains a depth of 20.57m (6.6ft). Staff note that the dwelling has been designed in a manner to project out the covered front porch to mitigate the proposed garage projection. Staff are satisfied that this minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area. Further, staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties.

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 through the future Building Permit.

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**

#### 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 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 construction works affiliated with the proposed driveway on Milton Ave. will likely result in the removal of one City tree and the injury of one City tree. Care should be taken to protect the below noted tree as best as possible:

- White Mulberry 'Pendula': 9cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.2m, located northwest of the proposed driveway, City owned tree. Proposed driveway works will likely result in tree removal.
- Red Oak: 68cm DBH, good condition, minimum Tree Protection Zone (TPZ) 4.2m, located northwest of the proposed driveway, City owned tree. Proposed driveway works will likely result in tree injury.
- Black Oak: 66cm DBH, good condition, minimum Tree Protection Zone (TPZ) 4.2m, located northwest of the proposed driveway, City owned tree.

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. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

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 Comments**

##### **Minor Variance Application: A-24-539M / 1404 Milton Avenue**

Development Engineering: Wendy Jawdek ([wendy.jawdek@peelregion.ca](mailto:wendy.jawdek@peelregion.ca))(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 may be required.
- 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](mailto:siteplanservicing@peelregion.ca).
- 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)
- 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).

Comments Prepared by: Petrele Francois, Junior Planner



## **Schedule 1**

### **Conditions**

- None