

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-01-09	File(s): A478.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/16/2025 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. An exterior side yard setback on a corner lot of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback on a corner lot of 7.50m (approx. 24.61ft) in this instance;
2. A side yard setback on a corner lot of 2.62m (approx. 8.60ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback on a corner lot of 3.00m (approx. 9.84ft) in this instance;
3. A gross floor area of 481.52sq m (approx. 5183.08sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 407.53sq m (approx. 4386.65sq ft) in this instance;
4. An eave height of 6.71m (approx. 22.02ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
5. 2 kitchens on the first storey whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen on the first storey in this instance;
6. A garage projection of 2.65m (approx. 8.69ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
7. A building length of 21.83m (approx. 71.62ft) whereas By-law 0225-2007, as amended, permits a maximum building length of 20.00m (approx. 65.62ft) in this instance;
8. A projection of eaves into required setback (exterior) of 5.55m (approx. 18.21ft) whereas By-law 0225-2007, as amended, requires a minimum projection of eaves into required setback (exterior) of 7.05m (approx. 23.13ft) in this instance;
9. A projection of eaves into required setback (interior) of 2.23m (approx. 7.32ft) whereas By-law 0225-2007, as amended, requires a minimum projection of eaves into required setback (interior) of 2.55m (approx. 8.37ft) in this instance; and,

10. A building height of 9.96m (approx. 32.68ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance.

## Background

**Property Address: 1609 Dogwood Trail**

### Mississauga Official Plan

Character Area: Mineola Neighborhood  
Designation: Residential Low Density I

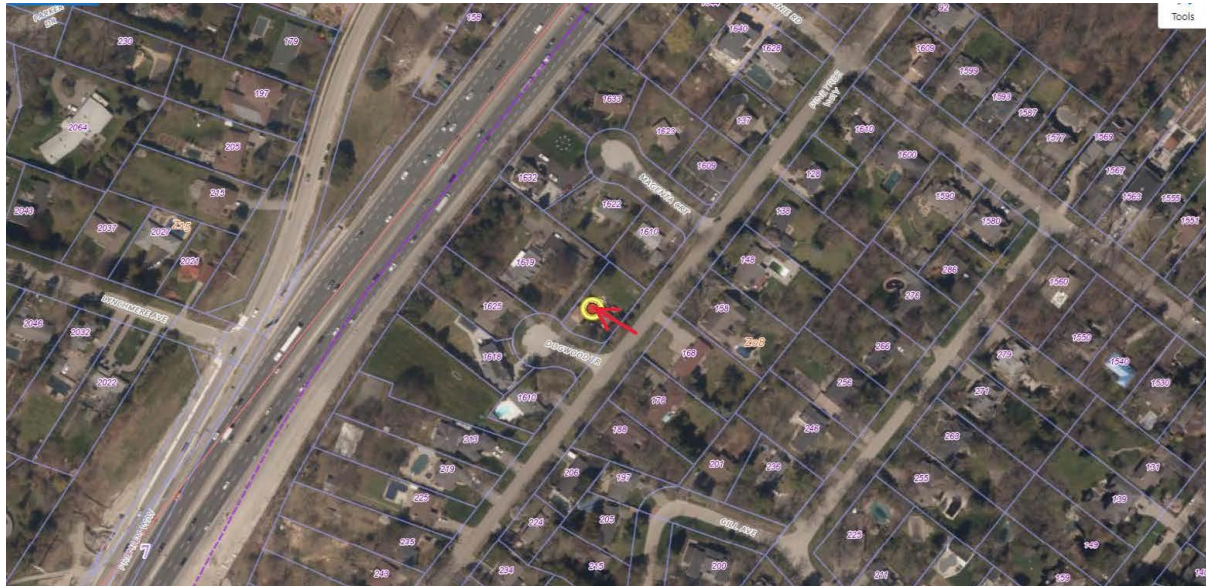
### Zoning By-law 0225-2007

**Zoning: R2-4 - Residential**  
**Other applications: Building Permit application BP 9NEW 24-4055**

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, south of the Queen Elizabeth Way and west of Hurontario Street. The surrounding neighbourhood is primarily residential consisting of one, one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing one-storey dwelling with vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requesting variances related to gross floor area, side yard setbacks, building length, eaves height and two kitchens.



## 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 within the Clarkson-Lorne Park Neighbourhood Area and is designated Residential Low-Density I. The Residential Low Density I designation only permits detached dwellings in this area. The proposed dwelling is a permitted use that 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 satisfied that the proposal respects the scale and character of the area.

Planning staff are of the opinion 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?**

Variances #1, #2, #8 and #9 pertain to side yard setbacks to the dwelling and the eaves measured from both the interior and exterior side lot lines. The general intent of this portion of

the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm and abutting properties. Access to the rear yard remains unencumbered and appropriate drainage patterns can be maintained.

Staff note that the proposal respects existing setbacks, and that the dwelling is designed in a manner to align with the existing dwelling footprint in terms of setbacks. Staff are of the opinion that the proposed reduced setbacks will not impact the ability to access the rear yard. Further, Transportation and Works staff have not raised any drainage concerns.

Further, due to the design of the dwelling, the dwelling on the exterior side is limited to a smaller dwelling depth mitigating any massing impacts. Additionally, staff are of the opinion that the eaves do not pose any massing concerns and that the reduced setback is minor in nature. Staff are of the opinion that the proposal will not negatively affect neighbouring properties and the public realm in this instance.

Variations #3 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. While the GFA increase appears high numerically, staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings. Staff are of the opinion that the proposed design limits any impact to both abutting properties and the streetscape in this instance. Further, staff note no variations have been requested for lot coverage which further mitigates massing impacts.

Variations #4 and #10 are regarding the eave height and dwelling height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of 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 are satisfied that the proposed increases in height are appropriate for the subject property and are minor numerically. Staff note that for portions of the property, the average grade is below the finished grade by 0.3m (0.98ft) due to the grading of the property, thereby reducing the appearance of the overall height of the structure.

Variance #5 pertains to number of kitchens. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of the second unit policies along with the new provincial and municipal legislation regulations permitting three and four dwelling units as of right, the addition of a second kitchen is minor in nature.

Variations #6 and #7 are regarding garage projection and dwelling length. 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. In this case, the dwelling depth that exceeds the by-law regulations is located on the west side of the dwelling only. The east side maintains a significantly smaller depth of approximately 10m (32ft). In terms garage projections, staff note the front porch projection minimizes the proposed garage projection by giving the appearance of a more modest projections that is in keeping with the existing neighbourhood. Staff also note

that the existing garage projection is greater than what is proposed in this application. Staff are satisfied that 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 does not pose massing concerns on abutting properties. 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 or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As noted in our previous comments, 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-24/4055.

Comments Prepared by: John Salvino, Development Engineering Technologist



### Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 24-4055. Based on the review of the information available in this application, the requested variances are correct.

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**

#### 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

### **Appendix 4 – Region of Peel Comments**

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner