

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A493.22
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. 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 a new dwelling proposing:

1. A combined side yard width of 6.25m (approx. 20.51ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.58m (approx. 21.59ft) in this instance;
2. A gross floor area of 454.39sq m (approx. 4,891.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 414.49sq m (approx. 4,461.53sq ft) in this instance; and
3. A height to the eaves of 6.65m (approx. 21.82ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address:** 1414 Lochlin Tr

**Mississauga Official Plan**

**Character Area:** Mineola Neighbourhood

**Designation:** Residential Low Density I

**Zoning By-law 0225-2007**

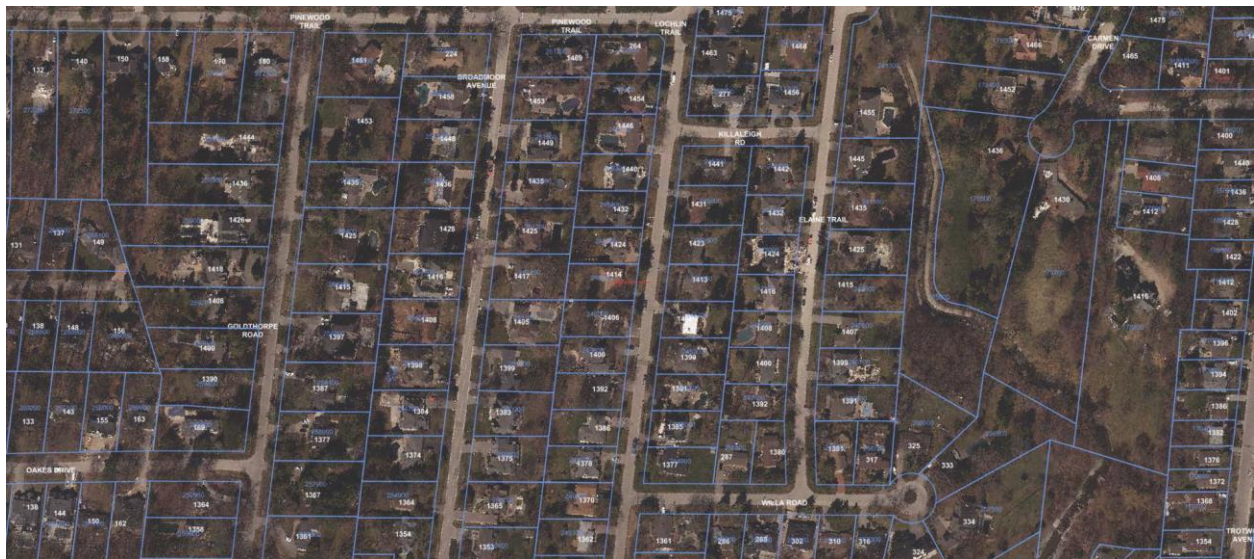
**Zoning:** R2-4 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Pinewood Trail and Hurontario Street intersection. It has an approximate lot frontage of +/- 24.27m (79.95ft) and a lot area of +/- 1,122.49m<sup>2</sup> (3,682.71ft<sup>2</sup>). Currently the property contains an existing two-storey dwelling with mature vegetation in the front and rear yards. The immediate neighbourhood is entirely residential, consisting primarily of one and two storey-detached dwellings on large lots with significant mature vegetation in the front yards.

The applicant is proposing to construct a new dwelling requiring variances related to a combined side yard setback, gross floor area and eaves height.



## Comments

### Planning

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:

Staff note that this application came before Committee on November 10, 2022, requesting variances related to combined side yard setback, GFA, setback to the eaves, lot coverage and five additional variances pertaining to side yard setbacks to the first and second stories of the dwelling. The application was deferred to allow the applicant an opportunity to meet with staff to verify the requested variances, submit additional information and ensure that no additional variances are required. The correct variances have been identified. While the zoning review has not been completed and the applicant has amended their application to address anticipated deficiencies.

a zoning reviewing has not been completed, the current application is seeking variances for a combined side yard setback, GFA and eave height. The combined side yard setback and GFA proposed in this application have been improved significantly since the 2022.

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Mineola Neighbourhood Character Area. The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, and duplex 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 subject property and adjoining lots are buffered by large tree canopies which provide screening that limits the massing impacts resulting from the proposed increase in GFA and eaves height. Additionally, the proposed gross floor area of the dwelling is in line with the existing dwellings in the surrounding community. Staff are of the opinion that the proposed dwelling is in line with existing dwellings in the neighbourhood and the planned character of the community. Staff are therefore satisfied that the proposal maintains the general intent and purpose of the official plan.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance #1 pertains to the combined width of side yard setbacks. The general 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. The proposed dwelling provides adequate side yard setbacks for both the northernly and southernly side yards allowing for direct access to the rear yard, sufficient space to maintain the structure and provide the necessary drainage. Staff note that the proposed setbacks meet the individual side yard setbacks required by the by-law. Staff also acknowledge that based on a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings in the neighbourhood.

Variance #2 requests a 9.6% increase in the GFA from 414.49m<sup>2</sup> (approx. 4,461.53ft<sup>2</sup>) to 454.39 m<sup>2</sup> (approx. 4,891.01ft<sup>2</sup>). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. Staff note that the increase in GFA is less than 10% from what is permitted as of right in the by-law. Additionally, significant mature vegetation lines the property lines and buffers the development from the neighbouring lots and minimizing any massing impacts. Furthermore, there is no variance requested for lot coverage and/or overall height of the dwelling, limiting massing impacts. 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

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 #3 is required for an increase in eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. Planning staff have no concerns regarding this variance. No overall height variance is required. The proposed dwelling also contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roof design, decorative columns and varying window sizes. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character of the streetscape.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

Comments Prepared by: Sara Ukaj, Planning Associate

## 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 by our Development Construction Section 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: Alana Zheng, Supervisor 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/>.

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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