

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): A32.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-28

## Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to verify the accuracy of the variances.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A northerly side yard of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum northerly side yard of 2.41m (approx. 7.91ft) in this instance;
2. A southerly side yard of 2.30m (approx. 7.55ft) whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 2.41m (approx. 7.91ft) in this instance;
3. A combined width of side yards of 4.10m (approx. 13.45ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.95m (approx. 19.52ft) in this instance;
4. A building height measured to the highest ridge of 9.61m (approx. 31.53ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.16ft) in this instance;
5. A building height measured to the underside of the soffit of 7.23m (approx. 23.72ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the underside of the soffit of 6.40m (approx. 20.99ft) in this instance.

## Background

**Property Address:** 526 Avonwood Drive

### Mississauga Official Plan

**Character Area:** Mineola Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

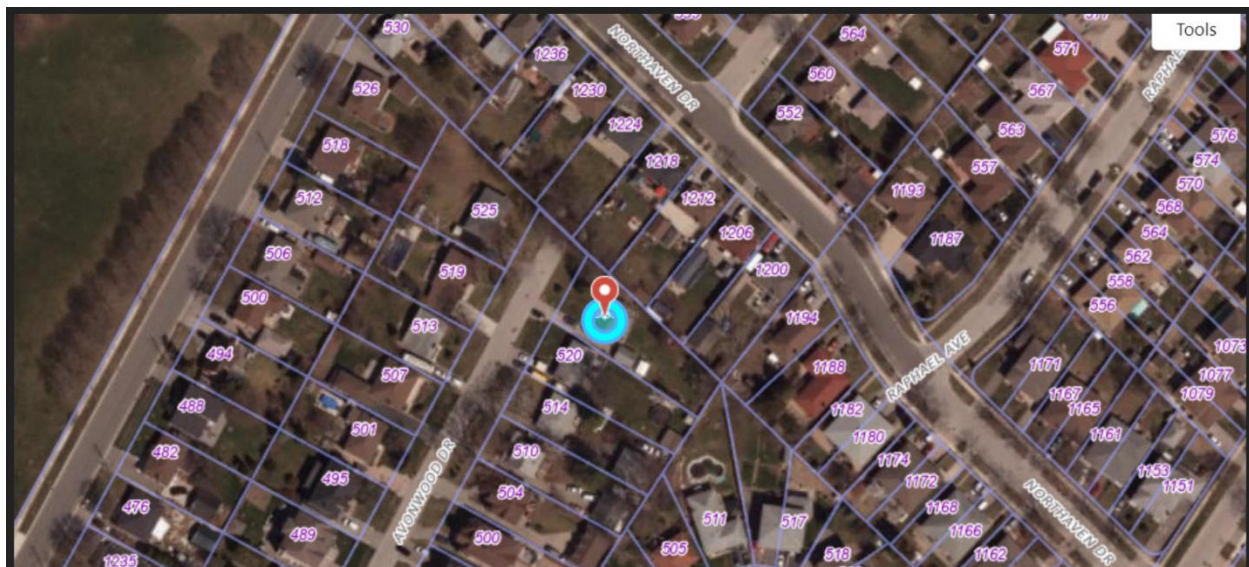
Zoning: R3-1 (Residential)

### Other Applications

Site Plan Application: 20-131

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and Atwater Avenue. The immediate neighbourhood is entirely residential consisting of one and newer two storey detached dwellings. The subject property contains an existing one storey detached dwelling with mature vegetation in the easterly side yard. The applicant is proposing a two storey dwelling, requiring variances related to deficient side yard and combined side yard width and dwelling height.



## 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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area, speak to urban design policies regarding infill housing and states that new housing is encouraged to fit the scale and character of the surrounding area. The proposed dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed dwelling maintains compatibility with the newer two storey dwellings and preserves the infill housing policies within the MOP. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variances #1 to 3 relate to the deficient side yards and combined side yard width. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. From a review of the site plan submitted, it appears the proposal requires a combined side yard width of 3.50 m rather than the requested 4.10 m. This needs to be confirmed by the applicant. In this instance, the side yards are measured to the narrowest points of the dwelling which does not continue throughout the entire length of the dwelling. At the widest point, the dwelling maintains a combined side yard width setback of 4.86 m. Additionally, the second storey is set further back from the ground floor on the northerly side, mitigating the massing impacts to the abutting property. Through a comprehensive review of the immediate area, similar deficiencies are part of the neighbourhood context. As such, the proposed variances preserves the existing and planned character of the surrounding neighbourhood and maintains a sufficient buffer to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 and 5 propose an overall height of 9.61 m whereas 9.50 m is permitted and an eave height of 7.23 m whereas a maximum of 6.40 m is permitted. The increased dwelling heights are partially due to the difference between average and established grade which is approximately 0.44 m. If the dwelling was measured from established grade, the overall height would be under what the by-law permits and there would be an eave height of approximately 6.79 m. This represents a minor deviation from what is permitted and would not have significant impacts to the character of the streetscape. The dwelling contains architectural features that break up the first and second storey of the dwelling, minimizing its overall massing. Furthermore, the proposed dwelling is not out of context with the newer two storey dwellings

thereby, maintaining compatibility with the existing and planned character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The increased dwelling heights maintain compatibility with newer two storey dwellings within the immediate area and does not negatively impact the existing streetscape. The increased eave height is partially due to the dwelling being measured to average grade which is approximately 0.44 m below the established grade, thereby limiting the impact to neighbouring properties. The deficient setbacks are not out of character within the neighbourhood. The deficient side yard setbacks maintain a sufficient buffer to abutting properties and preserve access to the rear yard. Furthermore, the deficiency does not continue throughout the entire length of the dwelling and widens to a combined side yard width of 4.86 m. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to verify the accuracy of the variances.

Comments Prepared by: Lucas Petricca, 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 addition are being addressed through the Site Plan Application process, File SPI-20/131.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a SPI under file SPI 20-131. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variances will be required.

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: Alana Zheng, Zoning Examiner

### Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 28<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner