

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A54.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-03-04 1:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances, as amended. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

## Application Details

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

1. A walkway attachment of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
2. A driveway setback (existing) measured to a property line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback measured to a property line of 0.60m (approx. 1.98ft) in this instance;
3. A driveway width of 6.04m (approx. 19.82ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
4. An interior side yard (northerly) of 1.23m (approx. 4.04ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
5. A setback measured to an A/C unit (northerly) of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to an A/C unit of 0.61m (approx. 2.00ft) in this instance;
6. An interior side yard (southerly) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
7. A combined width of side yards measured to the second storey of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards measured to the second storey of 3.80m (approx. 12.47ft) in this instance;
8. A setback measured from hard surface pool decking to the property line of 0.26m (approx. 0.85ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from hard surface pool decking to the property line of 0.61m (approx. 2.00ft) in this instance;
9. A setback measured from a hard surface patio stone path (northerly) to the property line of 0.24m (approx. 0.78ft) whereas By-law 0225-2007, as amended, require a minimum

- setback measured from a hard surface patio stone path to the property line of 0.61m (approx. 2.00ft) in this instance;
10. A setback measured from a hard surface to a concrete path (southerly) to the property line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, require a minimum setback measured from a hard surface concrete path to the property line of 0.61m (approx. 2.00ft) in this instance;
  11. A building height measured to the highest ridge of 9.25m (approx. 30.35ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.00m (approx. 29.53ft) in this instance;
  12. A building height measured to a flat roof of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
  13. A building height measured to the eaves of 7.70m (approx. 25.26ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

## Amendments

The following variances should be amended as follows:

4. An interior side yard (northerly) of 1.21m (approx. 3.97ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) measured to the second storey in this instance;
7. A combined width of side yards of 2.43m (approx. 7.97ft); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards measured of 3.80m (approx. 12.47ft) in this instance;

## Background

**Property Address:** 1424 Leda Avenue

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-1 (Residential)

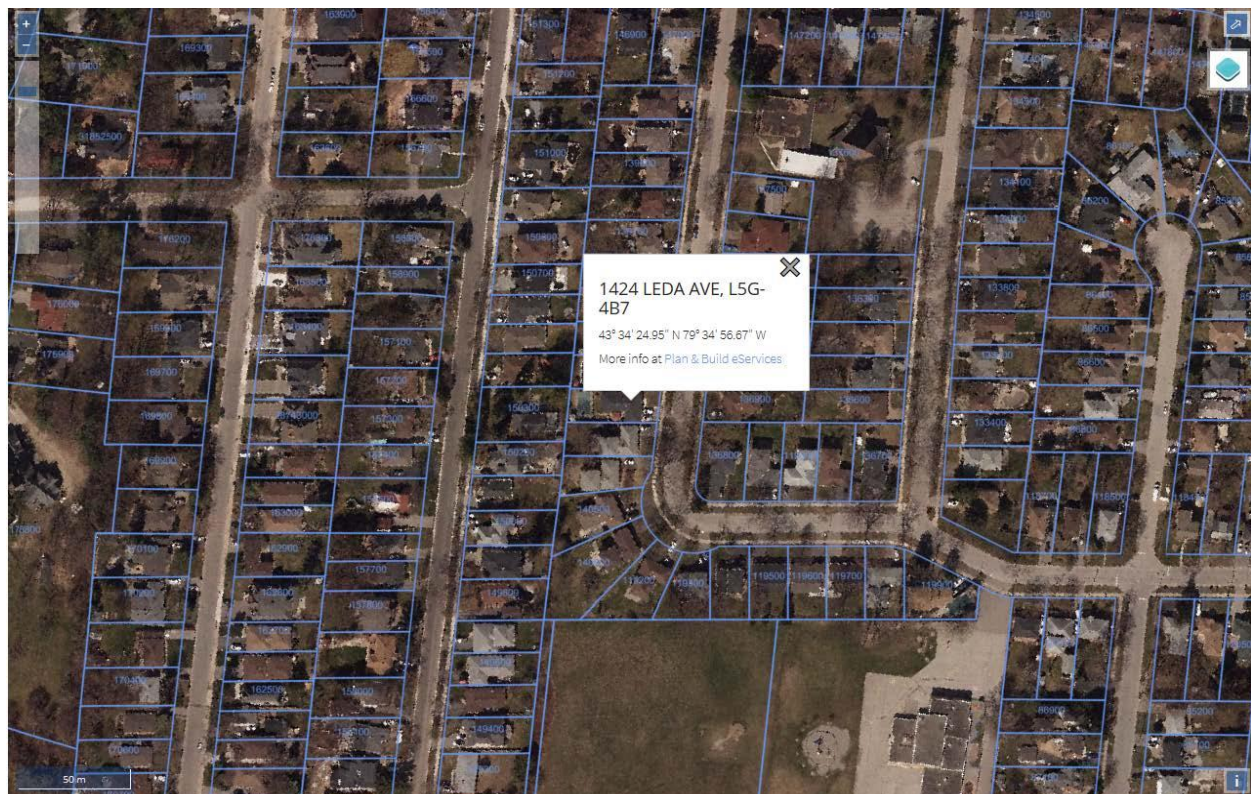
### Other Applications:

Site Plan Application: 20-142

## Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and the Queen Elizabeth Way (QEW). The neighbourhood is entirely residential consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling that has mature vegetation within the city boulevard.

The application proposes a second storey addition, requiring variances for walkway attachment, deficient setbacks, driveway width, and dwelling height measured to the sloped roof, eaves and flat roof.



## 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:

Variance #1 proposes a walkway attachment of 2.43 m whereas a maximum of 1.50 m is permitted. In this instance, due to the angle of the walkway attachment to the driveway and the projecting staircase, vehicular access can not be accommodated.

Variances #2, 5, 8, 9 and 10 propose deficient setbacks measured to the driveway, A/C unit, pool decking, patio and concrete walkway. In this instance, the proposed deficient setbacks do not continue throughout the entire length of the interior property lines and are only measured from specific pinch points to the abutting properties. As such, the proposed variances will not negatively impact neighbouring properties regarding drainage and rear yard access.

Variance #3 proposes a driveway width of 6.04 m whereas a maximum of 6 m is permitted. The proposed increase is a minor deviation from what is permitted and will not negatively impact the soft landscaping requirement and streetscape character.

Variances #4, 6 and 7 propose deficient setbacks measured to the second storey and a deficient combined side yard setback. A comprehensive review of the immediate area, revealed that similar deficiencies are present throughout the neighbourhood. Furthermore, the proposed addition maintains the existing setbacks from the dwelling and does not encroach further into the required side yards. As such, the proposed variances preserve the existing and planned character of the surrounding neighbourhood and maintains a sufficient buffer to neighbouring properties.

Based on the preceding information for the variances above, staff is of the opinion that these variances are appropriate to be handled through the minor variance process. Furthermore, the proposed variances raise no concerns of a planning nature.

Variances #11-13 propose an increase in heights measured to the sloped roof, flat roof and eaves. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of the 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. Additionally, the intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to the sloped roof dwelling, thereby minimizing any negative impacts on the streetscape and neighbouring properties. In this instance, the difference between established grade and average grade is approximately 0.50 m. If the dwelling was measured from established grade, the sloped roof would have a height of 8.75 m, which is under the maximum permitted height of 9 m. The flat roof portion would have a height of 7.52 m whereas 7.50 is permitted and the eave height would be 7.20 m whereas 6.40 m is permitted. The proposed dwelling contains features that breaks up the roofline and reduces the overall massing of the dwelling. The flat roof makes up a small portion of the front façade and does not pose any significant massing impacts from a streetscape perspective. Staff is of the opinion that these variances maintain the four tests outlined in Section 45(1) of the *Planning Act*.

## Conclusion

The Planning and Building Department has no objections to the requested variances, as amended. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Site Plan Application SP-20/142.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing Site Plan Application SPI 20-142 and Building Permit BP 9NEW 20-4401. From a review of the Site Plan Application the following variances should be amended:

5. An interior side yard (northerly) of 1.21m (approx. 3.97ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) measured to the second storey in this instance;
7. A combined width of side yards of 2.43m (approx. 7.97ft); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards measured of 3.80m (approx. 12.47ft) in this instance;

Additional information has been requested with respect to a roof projection within the southerly side yard (depicted on the left side of the front elevation) and established grade and height information for the accessory structure within the rear yard.

Our comments are based on the plans received by Zoning staff on 10/9/2020 for the above captioned Site Plan Application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

Minor Variance Applications: A-30/21, A-54/21, A-56/21, A-57/21, A-59/21, A-60/21, A-62/21, A-64/21, A-66/21.

Comments Prepared by: Diana Guida, Junior Planner