

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A56.21 Ward: 8
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. The applicant may choose to defer the application to ensure additional variances are not required.

Application Details

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

1. A lot coverage of 39.27% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A side yard (westerly) measured to the eaves of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum side yard (westerly) measured to the eaves of 3.75m (approx. 12.30ft) in this instance;
3. A side yard (westerly) of 2.86m (approx. 9.38ft) whereas By-law 0225-2007, as amended, requires a minimum side yard (westerly) of 4.20m (approx. 13.78ft) in this instance;
4. A side yard (easterly) measured to the eaves of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard (easterly) measured to the eaves of 1.35m (approx. 4.43ft) in this instance; and
5. A garage floor area of 233.94sq.m (approx. 2518.11sq.ft) whereas By-law 0225-2007, as amended, requires a minimum garage floor area of 75.00sq.m (approx. 807.29sq.ft) in this instance.

Background

Property Address: 1821 Featherston Drive

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-7 (Residential)

Other Applications:

Pre-Application: 20-3327

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southwest of Mississauga Road and Burnhamthorpe Road West. The neighbourhood is entirely residential consisting of large lots with mature vegetation, containing one and two storey detached dwellings. The subject property contains an existing one storey dwelling with mature vegetation in the front and rear yards.

The application proposes a new two storey dwelling, requiring variances related to lot coverage, deficient setbacks and an increase in garage area.

**Comments**

Planning

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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 I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Section 9 of 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 maintains the context of the surrounding neighbourhood and is similar to newer two storey dwellings, which results in the dwelling being compatible with the existing and planned streetscape character. As such, 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?

Variance #1 proposes a lot coverage of 39.27% whereas a maximum of 25% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the excessive lot coverage can be attributed to the porch, deck and eaves which make up approximately 11% of the total lot coverage. Excluding these features, the dwelling would have a lot coverage of approximately 28%, which represents a minor deviation from what is permitted. The proposed building footprint is not out of character with the surrounding area, thereby minimizing the impact to the established streetscape. Staff is of the opinion that the variance maintains the general intent and purpose of the zoning by-law.

Variance #2 proposes a westerly side yard of 2.86 whereas 4.20 m is required. 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. Through a comprehensive review of the immediate area, similar deficiencies are present throughout the neighbourhood. As such, the proposed variance 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.

The remaining variances propose deficient setbacks measured to the eaves and an increase in garage area. The setback measured to the eaves do not significantly increase the massing of the overall dwelling, limiting the impact to abutting properties. Regarding the increased garage area, approximately 58 m² of the total garage area is above grade. The remaining area is below grade which mitigates the impact to the streetscape. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process. Further, the proposed variances raise no concerns of a planning nature in this instance.

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

The proposed dwelling maintains compatibility with two storey dwellings within the immediate area and does not negatively impact the existing streetscape. The building footprint represents a minor deviation from the zoning by-law which does not result in a significant adverse impact to neighbouring properties. A large amount of the increased lot coverage is due to the covered porch, deck and eave projections. The deficient setbacks are not out of character within the surrounding neighbourhood. The deficient side yard setbacks maintain a sufficient buffer to abutting properties and preserves access to the rear yard. 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 variances. The applicant may choose to defer the application to 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 for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed through the future Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing preliminary zoning review application PREAPP 20-3327. From a review of this application it appears the variances requested are correct. Additional information has been requested for confirmation of the height of the dwelling (max: 10.7m measured from average grade to midpoint of the highest roof).

Our comments are based on the plans received by Zoning staff on 11/4/2020 for the above captioned 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 preliminary zoning review 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 preliminary zoning review 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