

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-17	File(s): A85.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-25 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances, as amended.

Application Details

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

1. A lot coverage of 41.47% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance; and
2. A side yard of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.93m (approx. 16.17ft) in this instance.

Amendments

Variance #2 should be amended as follows:

A combined side yard setback of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 4.93m (approx. 16.17ft) in this instance.

Background

Property Address: 372 Niar Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

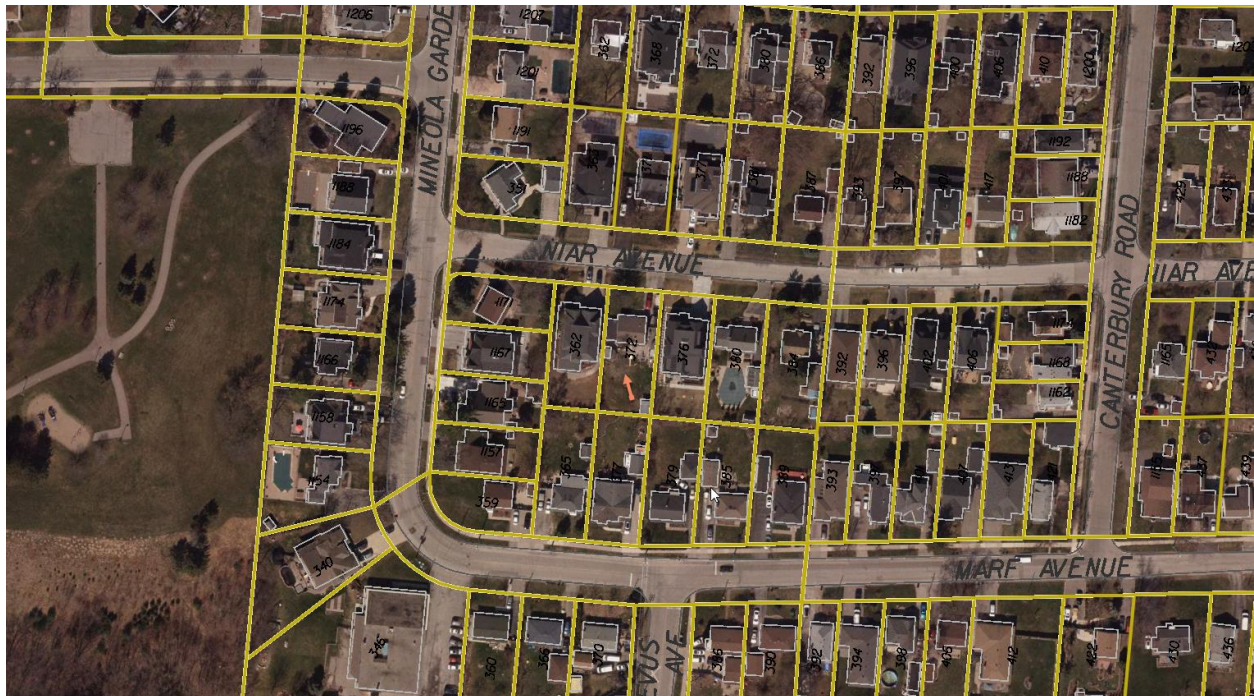
Other Applications

Pre-Application: 20-3161

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra and Atwater Avenue. 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 with little mature vegetation.

The applicant is proposing a new addition, requiring variances related to lot coverage and a deficient combined side yard width setback.

**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, which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. As per Section 16.18.1 of the Mineola Neighbourhood Character Area policies, new housing is encouraged to fit the scale and character of the surrounding area. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed dwelling maintains the character of the surrounding neighbourhood and closely resembles a one storey dwelling, limiting the impact to neighbouring properties and the character of the streetscape. 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 41.47% whereas a maximum of 35% 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 is due to the rear deck and front covered porch which make up approximately 5% of the total lot coverage. Excluding these features, the dwelling would have a lot coverage of approximately 36%, which is a minor deviation from what the by-law permits. The proposed deck and porch are open on all sides, thereby reducing the massing of the dwelling and the impact to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a combined side yard width of 3.04 m whereas 4.93 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. In this instance, the dwelling contains a sloped roof that resembles a one storey dwelling, however, a second storey is incorporated within the roofline. The required combined side yard width setback is for a two storey dwelling. As the proposed dwelling is not a typical two story dwelling as seen with other dwellings within the immediate area, the proposed setback does not have the same impact as a typical two storey dwelling with respect to massing. The proposed dwelling maintains a sufficient buffer and does not present any significant massing concerns to neighbouring properties. As such, 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 proposed variances maintain the context of the surrounding neighbourhood and do not pose any significant impact to the streetscape character. The proposed dwelling generally appears as a one storey dwelling and does not present any massing concerns to abutting properties. The proposed dwelling maintains a sufficient setback to the interior side yard, minimizing the impact of the deficient setback. The increased lot coverage is mostly due to the front covered porch and rear deck. Excluding these features, the dwelling maintains a lot coverage of 36% which would not create any additional undue impact from what is permitted. 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, as amended.

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 will be addressed through the future Site Plan/Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-3161. Based on review of the information currently available for this building permit, we advise that the following variance should be amended as follows:

A combined side yard setback of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 4.93m (approx. 16.17ft) in this instance.

Our comments are based on the plans received by Zoning staff on 01/13/2021 for the above captioned building permit 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: A. McCormack

Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

Deferred Application: DEF-A-91/20, DEF-A-413/20.

Minor Variance Applications: A-67/21, A-68/21, A-83/21, A-84/21, A-85/21, A-87/21, A-88/21, A-89/21, A-92/21, A-93/21, A-94/21.

Comments Prepared by: Diana Guida, Junior Planner