

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A90.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 1:00 PM

Consolidated Recommendation

The City has no objection to variances #1, #2 and #3 however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveways.

Application Details

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

1. A gross floor area of 364.37sq.m (approx. 3922.05sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 327.69sq.m (approx. 3527.23sq.ft) in this instance;
2. A building height measured to the roof of 9.08m (approx. 29.79ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
3. A building height measured to the eaves 6.68m (approx. 21.92ft) 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;
4. Two driveway whereas By-law 0225-2007, as amended, permits a maximum of one driveway in this instance;
5. A circular driveway on a lot with less than 22.50m (approx. 73.82ft) frontage whereas By-law 0225-2007, does not permit a circular driveway on a lot with less than 22.50m (approx. 73.82ft) frontage; and
6. A circular driveway in the front, rear, and exterior side yards whereas By-law 0225-2007, as amended, permits a circular driveway in one yard in this instance.

Background

Property Address: 34 De Jong Drive

Mississauga Official Plan

Character Area: Streetsville Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

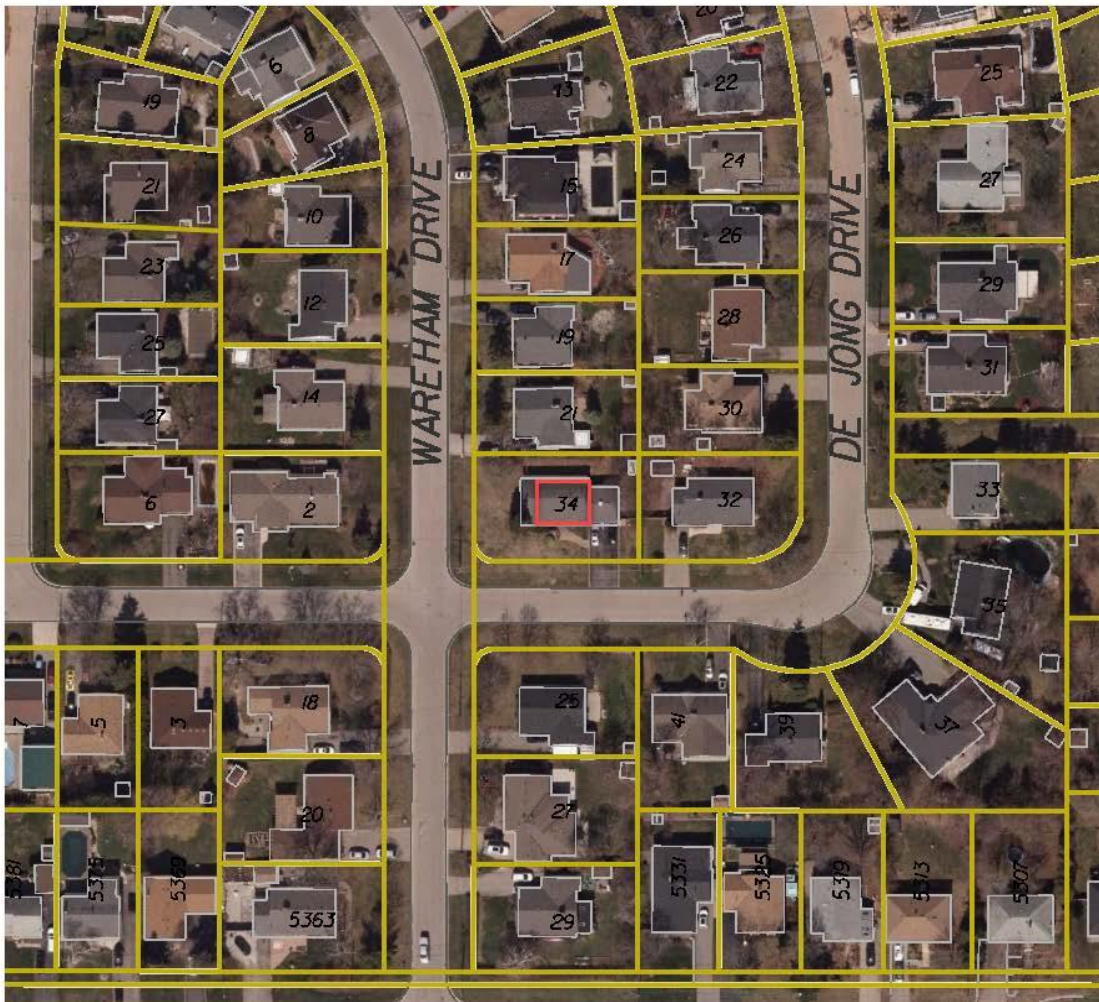
Zoning: R2-50 - Residential

Other Applications: PRE-APP 20-3526

Site and Area Context

The subject property is located north-east of the Erin Mills Parkway and Thomas Street intersection. The property is an exterior parcel, with a lot area of +/- 888.43m² and a lot frontage of +/- 20.42m. It currently houses a one-storey detached dwelling with mature vegetation and minimal landscape elements in the front and rear yards. Contextually, the area is comprised exclusively of residential dwellings on large lots with limited vegetation and landscape elements in the front yards. The properties within the immediate area possess lot frontages of +/- 30.0m.

The applicant is proposing to construct a new dwelling requiring a variance for gross floor area, building height and a circular driveway.



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 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 while respecting the designated land use. 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 as requested pertains to gross floor area:

The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings while also ensuring the existing and planned character of a neighbourhood is preserved. The applicant is proposing a two storey detached dwelling that will increase the building's current gross floor area by 11.1%. The immediate area consists primarily of one-storey bungalows, resulting in the new dwelling being more noticeable from the streetscape. While the proposed increase will create a difference to the public realm, the 11.1% increase in gross floor area is a marginal deviation from what the zoning by-law envisions, creating an insignificant massing effect. Therefore, Staff finds variance #1 to be minor in nature and inline with the general purpose and intent of the by-law.

Variance #2 and #3 as requested pertain to building height and height of the eaves:

The intent of restricting both the height of the building and the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. The goal is to maintain an overall pitch of the roof and keep the height of the dwelling within a human scale. The dwelling maintains an overall height of 9.08m, whereas 9.00m is permitted; and an eave height of 6.68m, whereas 6.40m is permitted under the by-law. The proposed deviations from the zoning by-law are minor in nature and compatible with the surrounding built form. As such, variance #2 and #3 meet the general intent and purpose of the by-law.

Variance #4, #5 and #6 as requested pertain to Driveway and Driveway frontage:

The intent of this portion of the By-law is to permit a driveway large enough to accommodate the required number of parking spaces for a dwelling, with the remainder of lands being soft landscaping. In this instance the applicant has proposed two driveways, one having access to Wareham Drive and one being a circular driveway with access to De Jong Drive. The subject property possess a lot frontage of 20.42m which does not meet the required 22.50m for a circular driveway under the bylaw. Additionally, the circular driveway creates excessive hardscaping on the property that is not in keeping with the surrounding neighbourhood. Access points proposed in a residential zone should generally be limited to one, as multiple points of egress impact traffic movements and on-street parking. As such, the proposed is not minor and does not maintain the general intent and purpose of the by-law.

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

While Staff find the proposed increase to the GFA and height of the dwelling negligible Staff recommend the application be deferred in order for the applicant to redesign the proposed driveways.

Conclusion

The City recommends that the application be deferred to provide the Applicant the opportunity to redesign.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department cannot support the request as submitted to construct a circular driveway on this property and does not see the rationale for having three access points. The number of access points onto a Municipal ROW should be limited, in particular this instance where the property is a corner lot. The proposed south-westerly portion of the circular driveway access would be located in close proximity to the intersection of two roads where there is also an existing stop sign which would only be a few metres away from the proposed access. We also noting for information purposes that there is a large mature tree located in the area of the proposed new driveway onto Wareham Drive, although we assume this tree will be removed as it also appears to impact on the location of the proposed new dwelling.

In view of the above, we would recommend that this application be deferred to allow the applicant an opportunity to redesign the proposal and propose a new driveway configuration with only one proposed access location.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 20-3526. 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 variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 2020/11/18 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: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner