

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A120.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to allow the Zoning Division to review the site plan application and confirm the proposed 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 a new house proposing:

1. A gross floor area of 397.05sq.m (approx. 4273.81sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 362.52sq.m (approx. 3902.12sq.ft) in this instance;
2. A lot coverage of 30.17% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
3. A building height measured to the eaves of 6.82m (approx. 22.38ft) 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. An interior side yard of 2.42m (approx. 7.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 3.00m (approx. 9.84ft) in this instance; and
5. An exterior side yard of 6.09m (approx. 19.98ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and Terms

Background

Property Address: 1161 Mirada Place

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-1 (Residential)

Other Applications

Site Plan Application: 21-29

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northeast of Lorne Park Road and the railway corridor. The neighbourhood is entirely residential consisting of one and two storey detached dwellings with significant mature vegetation. The subject property contains an existing one and half storey dwelling with mature vegetation.

The application proposes a new two storey dwelling, requiring variances related to gross floor area, lot coverage, eave height, interior and exterior side yard setbacks.



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 (MOP) which permits detached, semi-detached and duplex dwellings. As per Section 16.5.1.4 (Infill Housing), infill housing is encouraged to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. 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 variances do not significantly alter the design of the proposed dwelling than what is permitted as of right. 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 and 3 propose an increase in gross floor area and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings and to also lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, thus maintaining a human scale. In this instance, the overall height of the dwelling is less than the maximum permitted height of 9.50 m, thereby reducing the impact of the increased eave height. The proposed dwelling also contains architectural features that break up the overall massing of the dwelling in relation to the streetscape and neighbouring properties. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a lot coverage of 30.17% whereas a maximum of 30% is permitted. The minor increase in lot coverage is due to the covered porch which makes up approximately 4% of the total coverage and does not add any significant massing to the dwelling. As such, staff is of the opinion that the variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature in this instance.

Variances #4 proposes a side yard of 2.42 m whereas a maximum of 3 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 deficient side yard is only measured to

the portion of the garage that extends further into the required side yard. The remaining portion of the dwelling maintains the required 3 m setback, maintaining a sufficient buffer to the neighbouring property. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes a deficient exterior side yard setback of 6.09 m whereas 7.50 m is required. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. The proposed exterior side yard is measured to the closest point of the dwelling to the lot line. The remaining portion of the dwelling has a greater setback of up to 6.60 m. The proposed deficiency will not significantly alter the character streetscape and is similar to other corner lots within the surrounding area. 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 from what the by-law currently permits. The dwelling maintains the maximum permitted height in the by-law, which lessens the impact of the increased eave height. Additionally, the increase in gross floor area is mitigated by the architectural features which breaks up the overall massing of the dwelling which limits the impact of the increased eave height. 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 allow the Zoning Division to review the site plan application and confirm the proposed 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 for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed through the Site Plan Application process, File SPI-20/029.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The site plan application (SP 21-29) is in the process of being reviewed. As such, staff cannot confirm the requested variances or identify whether additional variances are required.

Comments Prepared by: Sherri Takaloo

Appendix 5 – Region of Peel Comments

We have no comments or objections

Comments Prepared by: Diana Guida, Junior Planner