

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-17	File(s): A82.21 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. 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 a new house proposing:

1. A gross floor area of 414.04sq.m (approx. 4456.69sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 336.01sq.m (approx. 3616.78sq.ft) in this instance;
2. A lot coverage of 39.35% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A garage depth of 5.94m (approx. 19.49ft) whereas By-law 0225-2007, as amended, requires a minimum garage depth of 6.00m (approx. 19.69ft) in this instance;
4. A front yard measured to the eaves of 6.82m (approx. 22.38ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 7.05m (approx. 23.13ft) in this instance;
5. A side yard measured to the eaves of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.95m (approx. 6.40ft) in this instance;
6. A combined side yard width measured to the eave overhangs of 3.73m (approx. 12.24ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width measured to the eave overhangs of 4.94m (approx. 16.21ft) in this instance; and
7. A building height measured to the underside of the eaves of 6.62m (approx. 21.72ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the underside of the eaves of 6.40m (approx. 21.00ft) in this instance.

Amendments

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Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

4. Eave encroachment of 0.6m into the required front yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;
5. Eave encroachment of 0.56m into the required side yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;
6. A combined side yard setback measured to the eave overhangs of 3.73m (approx. 12.24ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback 4.94m (approx. 16.21ft) in this instance;

Background

Property Address: 1610 Kenmuir 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: 18-28

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra and South Service Road. The neighbourhood is entirely residential, consisting of one and older/newer two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with mature vegetation in both the front and rear yard.

The applicant is proposing a new two storey dwelling, requiring variances related to an increase in gross floor area, lot coverage and deficient setbacks measured to the eaves and eave height.



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 is similar to newer two storey dwellings within the immediate area, 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 gross floor area of 414.04 m² whereas a maximum of 336.01 m² is permitted. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings, while ensuring the existing and planned character of a neighbourhood is preserved. Generally planning staff do not support these types of larger increases within the Mineola Neighbourhood Character Area as the massing of the dwelling would be out of scale within the existing context of the neighbourhood. However, in this case the proposed dwelling does not present significant massing concerns to the character of the streetscape and is designed with features that reduce the overall massing of the dwelling. The proposed dwelling contains features that break up the first and second storey and recesses the second storey back from the front and northerly elevation above the garage from the first storey. These features reduce the overall massing of the dwelling and limits the impact to the streetscape and neighbouring properties. The neighbouring property to the south contains a newer two storey dwelling with a similar gross floor area, as such, there would not be a significant impact from the proposed southerly elevation. The northerly elevation which abuts a one storey dwelling is sensitively designed in a manner that limits the overall impact of the dwelling. Planning staff acknowledges the percentage the gross floor area is being increased by, however, the intent of the by-law does not reference what amount of an increase is 'acceptable', rather it is focused on maintaining compatibility. As such, staff is of the opinion that the increase in gross floor area is compatible within the neighbourhood in this instance, thereby maintaining the general intent and purpose of the zoning by-law.

Variance #2 proposes a lot coverage of 39.35% 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 eaves which make up approximately 8% of the total lot coverage. Excluding these features, the dwelling would have a lot coverage of approximately 31%, less than the maximum permitted within the by-law. The proposed deck is open on all sides thereby reducing the massing of the dwelling. The eave encroachment does not present any significant massing impacts to the street and neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #7 proposes an eave height of 6.62 m whereas a maximum of 6.40 m is permitted. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground which would lower the overall pitch of the roof, thus giving the dwelling a more human scale. The dwelling maintains an overall height of 9.50 m, consistent with the permitted height within the zoning by-law and mitigating any further impact from the increased eave height. Additionally, the eave height is measured from average grade which makes up a portion of the increased height. The proposed eave height will not create any additional undue impact to the character of the streetscape from what the by-law

already permits. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances propose a deficient garage depth and deficient front, side yard and combined side yard setbacks measured to the eaves. The deficient garage depth is a minor deviation from what is permitted and is internal to the dwelling. As such, there would be no impact from a streetscape perspective. The deficient front and side yard setbacks are only measured to the eaves. It should be noted that the walls of the dwelling maintains the required front, side yard and combined side yard width setbacks. The zoning by-law allows an eave projection of 0.45 m, however, the dwelling proposes an eave encroachment of 0.61 m. If the eaves projections met the 0.45 m encroachment, variances would not be required for deficient setbacks. These variances represent a minor deviation to the by-law and do not add significant massing to the dwelling which would negatively impact the neighbouring properties. Staff is of the opinion that these variances are appropriate to be handled through the minor variance process. Further, they raise no concerns of a planning nature.

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 dwelling maintains the overall height of 9 m which lessens the impact of the increased eave height which is not a significant deviation from what is permitted. The proposed dwelling contains architectural features that break up the overall massing of the dwelling, limiting the impact of the increased gross floor area. Additionally, the dwelling is designed in a way that is similar to newer two storey dwellings within the immediate area and does not significantly alter the streetscape character. 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 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 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-18/028.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

SP RECEIVED, AMEND VARIANCE

The Building Department is currently processing a site plan approval application under file SPI 18-28. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

7. Eave encroachment of 0.6m into the required front yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;
8. Eave encroachment of 0.56m into the required side yard whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;
9. A combined side yard setback measured to the eave overhangs of 3.73m (approx. 12.24ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback 4.94m (approx. 16.21ft) in this instance;

Our comments are based on the plans received by Zoning staff on 01/21/2021 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: A. McCormack

Appendix 5 – Region of Peel Comments

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner