

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): A22.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-22 1:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to allow the construction of a new dwelling proposing:

1. A lot coverage of 32.03% (185.92sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% (174.10sq.m) in this instance;
2. A gross floor area of 369.20sq.m (approx. 3974.04sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 266.07sq.m (approx. 2863.95sq.ft) in this instance;
3. A building height of 9.32m (approx. 30.58ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
4. A building height measured to the eaves of 6.94m (approx. 22.77ft) 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;
5. A rectangular garage area of 5.84m x 5.38m (approx. 19.16ft x 17.65ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular garage area of 6.00m x 5.79m (approx. 19.69ft x 19.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #5 should be amended as follows:

- A rectangular garage area of 5.84m x 5.38m whereas By-law 0225-2007, as amended, requires a minimum rectangular garage area of 6.00m x 2.75m in this instance.

Background

Property Address: 7592 Chinook Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood Character Area
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

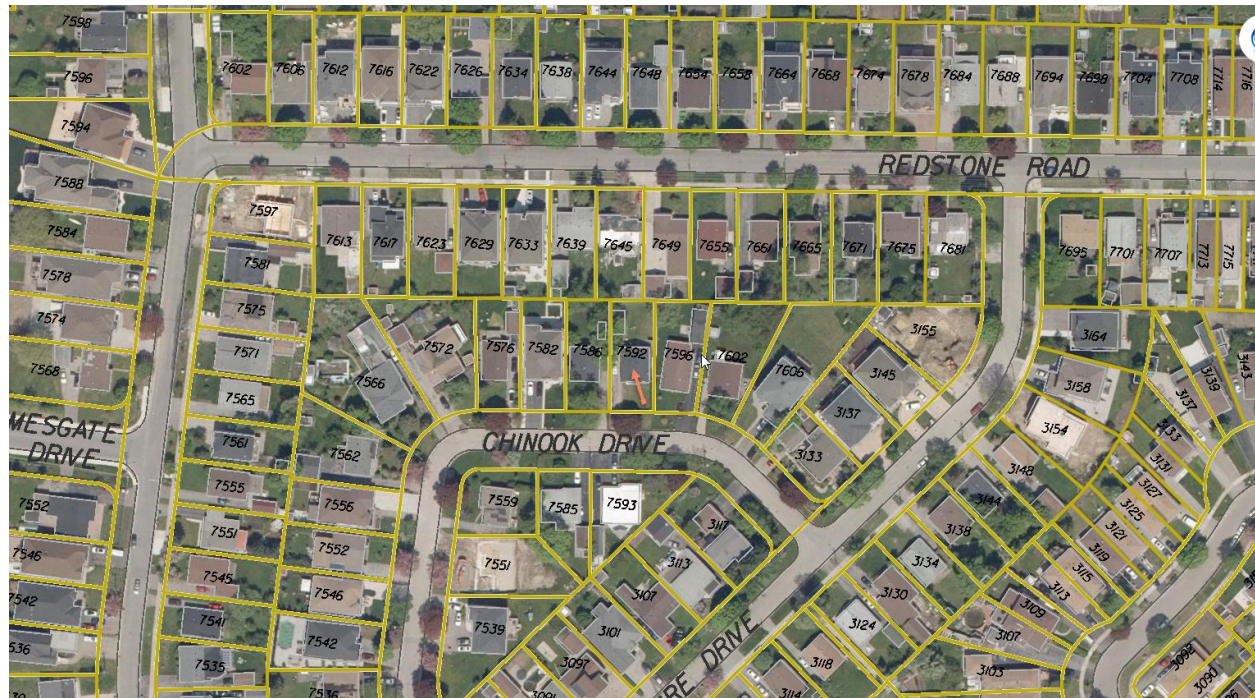
Zoning: R3-69 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Redstone Rd. and Bonaventure Dr. intersection. The property is an interior parcel, with a lot area of +/- 580.35m² and a lot frontage of +/- 15.24m. It currently houses a two-storey, detached dwelling with limited vegetation/ landscape elements in the front and rear yards. Contextually, the neighbourhood consists of post-war, single storey detached dwellings mixed within newer two storey detached dwellings. The properties possess lot frontages of +/- 15.0m, with mature vegetation scattered throughout and minimal landscape elements within the front yards.

The applicant is proposing a new two-storey dwelling, which requires variances for lot coverage, gross floor area, building height and garage size.



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. The proposed detached dwelling respects the designated land use and maintains the general intent and purpose of the MOP.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 and #2 as requested pertain to lot coverage and gross floor area. Arising from public input expressed through the 'My Malton' Community Visioning exercise in 2015, the City completed a Malton Infill Housing Study in 2016. This study resulted in Council's adoption of

new zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. Although the surrounding area contains newer two storey dwellings, the intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood. The application originally came to the Committee of Adjustment on January 28, 2021 with a significantly larger proposal. Committee members were concerned with the size of the dwelling and deferred it for a redesign. The redesign has reduced both the lot coverage and gross floor area. Staff are of the opinion that the new design is inline with the Malton Infill Housing Study of 2016; and is compatible with both the existing and infill development of the neighbourhood. As such, the applicant meets the general intent and purpose of the by-law.

Variance #3 and #4 as requested pertains to building and eave height:

The intent of restricting 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. This maintains the overall pitch of the roof while providing a dwelling height within human scale. The dwelling maintains an overall height of 9.32m, whereas 9.00m is the maximum permitted as well as an eave height of 6.94m whereas 6.40m is the maximum permitted under the by-law. The proposed height is a minor deviation from what the by-law envisions. The proposed variance does not affect the overall pitch of the roof and maintains its human scale. As such, variance #3 and #4 meet the general intent and purpose of the by-law.

Variance #5 as requested pertains to garage area:

The intent of the zoning by-law is to ensure that the garage is proportional to the lot and dwelling. In this instance, the proposed garage of 5.84m x 5.38m attached to the primary dwelling, is similar to other properties in the immediate vicinity. Additionally the proposed increase in size will not be noticeable from the street or adjacent properties; and the variance is not a significant deviation from what the bylaw currently permits. Any reduction of the garage area would still result in a structural massing that is similar to what is already being proposed on the property. 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?

While the relief sought represents a deviation from what is contemplated through the Zoning By-law Staff note, the applicant has redesigned their original proposal resulting in the orderly development of the lands, whose impact is minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, 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 new dwelling will be addressed through the Building Permit Application process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

BP RECEIVED, MORE INFO

The Building Department is currently processing a building permit application under file PREAPP 20-3554. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 10-05-2020 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

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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