

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): A141.21 Ward: 11
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.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new home on the subject property proposing:

1. A lot coverage of 34.5% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.0% of the lot area in this instance;
2. A gross floor area of 366.48sq.m (approx. 3944.76sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 289.37sq.m (approx. 3114.75sq.ft) in this instance;
3. A height measured to the highest ridge of 9.14m (approx. 29.99ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the highest ridge of 9.00m (approx. 29.53ft) in this instance;
4. A height measured to the eaves of 6.73m (approx. 22.08ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard measured to a garage awning of 6.38m (approx. 20.94ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a garage awning of 6.89m (approx. 22.60ft) in this instance; and
6. A side yard measured to a walk-up of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a walk-up of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 29 Joymar Drive

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-50 - Residential

Other Applications: BP 9NEW 21-5169

Site and Area Context

The property is located south-east of the Britannia Road W and Joymar Drive intersection, and currently houses a detached dwelling with minimal vegetation and landscaping in the front and rear yards. The subject property is an interior parcel with a lot area of approximately +/- 696.85m² and a lot frontage of approximately +/- 18.29m. Contextually, the surrounding neighbourhood consists of properties exclusively with detached dwellings and lot frontages of +/- 18.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing a new dwelling that requires variances for lot coverage, gross floor area, height, front and 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 located within the Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation 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 Official Plan.

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:

The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The increase in lot coverage is due to the inclusion of an awning, covered porch and shed. The dwelling itself maintains a lot coverage of 27%. The proposed 2% increase does not pose any massing concerns, as the overall configuration of the dwelling coincides with newer dwelling's size and shape in the immediate area. The proposed increase in gross floor area is sensitive to the existing and evolving character of the neighbourhood and will not result in any significant adverse impacts to the community. Staff finds variance #1 and #2 maintain the general intent and purpose of the by-law.

Variance # 3 and #4 as requested pertain to height:

The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of the dwelling while lowering the overall pitch of the roof. By bringing the edge of the roof closer to the ground, it keeps the dwelling within human scale. The dwelling maintains an overall height of 9.14m, which is a minor deviation from 9.00m which is the permitted height under the by-law. The proposed eave height of 6.73m is a minor deviation from the zoning by-law's maximum regulation of 6.40m. This minor increase is throughout the roof and maintains its human scale proportions. Variance #3 and #4 and maintain the intent of the by-law.

Variance #5 and #6 as requested pertains to front yard and side yard setbacks:

The intent of a front yard is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard soft landscape space is incorporated into the design of neighbourhoods. The intent of a side yard setback is to ensure an adequate buffer exists between the massing of the primary structures on adjoining properties and that access to the rear yard is not encumbered. The application proposes a front yard setback to the garage awning of 6.38m, whereas 6.89m is required. Regarding the side yard setback, the application proposes a setback of 0.81m, measured to a walk-up, where the by-law requires 1.2m. The proposed variance is marginal in nature and provides an adequate buffer to the lot line thereby creating sufficient space for drainage and a visual buffer between the adjacent properties. The proposed variances are an insignificant deviation from what is already permitted under the by-law.

Variances # 5 and #6 maintain the general intent of the bylaw.

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

The proposed dwelling maintains the context of the surrounding neighbourhood and preserves the established and evolving character of the streetscape. Staff is of the opinion that the application is minor in nature resulting in the orderly development of the lands.

Conclusion

The Planning and Building Department has no objections to the requested variances. However the applicant may choose to defer the application to ensure that additional variances are not required.

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

The Building Department is currently processing a building permit under file BP 9NEW 21-5169. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application 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: Alana Zheng, Zoning Examiner

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-141/21

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