

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A176.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

Consolidated Recommendation

The City recommends the application be deferred in order to give the Applicant the opportunity to redesign the height of the dwelling.

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 351.31sq.m (approx. 3781.47sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 327.49sq.m (approx. 3525.07sq.ft) in this instance;
2. A building height measured to the eaves of 8.06m (approx. 26.44ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 6.40m (approx. 21.00ft) in this instance;
3. A garage projection beyond the front wall of the dwelling of 2.31m (approx. 7.58ft) whereas By-law 0225-2007, as amended, does not permit a garage projection beyond the front wall of the dwelling in this instance;
4. A dwelling depth of 20.54m (approx. 67.39ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 (approx. 65.62ft) in this instance;
5. A side yard of 1.29m (approx. 4.23ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 6.00m (approx. 19.69ft) in this instance;
6. A setback measured to a balcony of 1.34m (approx. 4.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a balcony of 5.00m (approx. 16.40ft) in this instance; and
7. A setback measured to a covered porch of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a covered porch of 4.40m (approx. 14.44ft) in this instance.

Amendments

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While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #2 should be amended as follows:

2. A building height measured to the eaves of 8.06m (approx. 26.44ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 6.40m measured to the eaves (approx. 21.00ft) in this instance;

Background

Property Address: 75 Morgon Avenue

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-69

Other Applications: PREAPP 21-4899

Site and Area Context

The property is located south-east of the Thomas St. and Hillside Dr. intersection, and houses a single storey detached dwelling with minimal vegetation and landscaping elements in the front and rear yards. The subject property is an interior parcel with a lot area of approximately +/- 887.46m² and a lot frontage of approximately +/- 17.98m. Contextually, the surrounding neighbourhood consists of modest, single storey detached homes with minimal vegetation and landscape elements scattered throughout the front yards. The surrounding properties possess lot frontages of +/- 17.0m with limited vegetation.

The applicant is proposing a new dwelling, requiring variances related to gross floor area, building height, garage projection and 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 in the Streetsville Neighbourhood character area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, duplex and triplex 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?

Through a detailed review of the application, variances #1, #3 - #7 do not present any significant concerns and maintain the overall intent of the zoning by-law.

The proposed reduction in the required side yard, as well as setbacks to the balcony and porch, are similar to the existing garage side yard. These setbacks are present within the surrounding neighbourhood and are therefore reflective of the area context. Additionally, the proposed variance does not impede upon the rear yard access, and expands to 2.83m at the rear of the dwelling. This results in an increased buffer to the street. Staff is of the opinion that the variances do not deviate significantly from what the by-law envisions and are appropriate to be handled through the minor variance process.

Variance #2 as requested, pertains to height:

The intent of restricting the height of the structure is to lessen the visual massing of the dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus maintaining a human scale. While respecting what is permissible under the zoning by-law, new construction should be sensitive to the planned area context. The proposed height of 8.06m whereas 6.40m is permitted, is excessive and out of character with the planned context of the neighbourhood. Although gentle intensification is taking place within the immediate vicinity, the proposed height is disproportionate and out of scale and with the majority of the adjacent dwellings.

Staff recommends that the application be deferred in order to provide the applicant the opportunity to redesign the height of the dwelling.

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

Based on the preceding information, Staff find variances #1, #3 - #7 do not present any significant planning concerns, are minor in nature and generally result in the order development of the lands. However, Staff recommend the application be deferred to provide the applicant the opportunity to redesign the height of the dwelling.

Conclusion

The City recommends the application be deferred in order to give the Applicant the opportunity to redesign the height of the dwelling.

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

Appendices

Appendix 1 – Transportation and Works Comments

This department acknowledges that the proposed driveway would be in the same location as the existing driveway which is in very close proximity to the Morgon Avenue and Hillside Drive intersection and creates significant safety concerns with vehicles backing out and up of a depressed basement garage into the intersection. This department suggests that the proposed dwelling be re-designed (flipped) to depict the driveway on the opposite side of the property which would be at a location further removed from the intersection. It should also be noted that there is an existing sidewalk on Hillside Drive which would be in very close proximity to the proposed/existing driveway which could create some sight visibility concerns for a vehicle backing out of the driveway.

The front elevation drawing submitted appear to depict a reverse grade driveway which this department strongly discourages for reasons of potential basement flooding. It has not been demonstrated that adequate emergency backup measures have been proposed should there be a power failure during a substantial rain storm. The Site Plan drawing provided gives very limited grading information in the area of the driveway and we are unable to determine from this plan if there will be a positive slope from the face of the garage to the roadway, or if a reverse grade driveway is being proposed.

Should a reverse grade driveway be approved, at the time of Building Permit review the applicant will be required to provide a disclaimer to the City for any potential flooding risks. We also note that as there is no municipal storm sewer available on Morgon Avenue. We note that there is a 525mm storm sewer on Hillside Drive which may be utilized to connect the any proposed area drain at the base of the driveway. Should the applicant's engineer determine that they can meet the connection criteria of 1.0m above the obvert of the Hillside Drive storm sewer, a connection to the Hillside Drive storm sewer which meets city requirements should be pursued.

In view of the above, we would suggest that this application be deferred in order that our above noted concerns regarding the driveway location and reverse grade driveway drainage can be addressed.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-4899. 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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner