

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A220.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 3:00 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 dwelling proposing:

1. A lot coverage of 43.24% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A building height measured to the eaves of 7.28m (approx. 23.88ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 20.99ft) in this instance;
3. A front yard measured to a porch of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 5.90m (approx. 19.36ft) in this instance;
4. An easterly side yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 1.81m (approx. 5.93ft) in this instance;
5. A westerly side yard of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 1.81m (approx. 5.93ft) in this instance;
6. An eave overhang over the easterly side yard of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum eave over hang over the easterly side yard of 1.36m (approx. 4.46ft) in this instance;
7. An eave overhang over the westerly side yard of 1.11m (approx. 3.64ft) whereas By-law 0225-2007, as amended, requires a minimum eave over hang over the westerly side yard of 1.36m (approx. 4.46ft) in this instance;
8. A dwelling unit depth of 20.92m (approx. 68.64ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 35.60ft) in this instance; and

9. A walkway connection width of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, permits a maximum walkway connection width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 925 Goodwin Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications

Pre-Application: 20-4228

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Lakeshore Road East. The neighbourhood is entirely residential, consisting of one storey and newer two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with little vegetation.

The applicant is proposing a new two storey dwelling, requiring variances related to lot coverage, front and side yard setbacks, eave overhang, dwelling depth and walkway attachment.



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 (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the Lakeside Precinct of the South Residential Neighbourhood and are subject to the policies within the Lakeview Local Area Plan. Section 10.3 (Built Form Types) of the Local Area Plan, states new housing within Lakeview should maintain the existing character of the area. The applicant's agent provided staff with scaled concepts of the proposed dwelling in relation to the neighbouring properties included in this report (*Appendix 7*). The proposed dwelling maintains compatibility with newer two storey dwellings within the immediate area and will not significantly alter the existing character streetscape from what currently exists within the community. 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 lot coverage of 43.24% 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. Through discussions with the applicant's agent, the rear balcony will be removed to reduce privacy/overlook concerns. The excessive lot coverage is due to the combination of the eaves, front covered porch, rear deck and floor projections. The dwelling itself has a lot coverage of approximately 32% which is less than the maximum permitted. The features that increase the lot coverage of the dwelling do not add significant massing to the dwelling, limiting the impact of overdevelopment towards neighbouring properties and the character streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes an eave height of 7.28 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 the dwelling by bringing the edge of the roof closer to the ground, thereby maintaining a human scale of the dwelling. The proposed dwelling maintains a height of 9.33 m which is less than the maximum permitted height of 9.50 m which also mitigates the impact of the increased eave height. Additionally, the dwelling is measured from average grade which is approximately 0.20 m below the finished grade. Although the eaves would have a height of approximately 7.08 m from a streetscape perspective, the overall height of the dwelling would be approximately 0.47 m below the maximum permitted height, limiting potential shadowing impacts to neighbouring properties. From a streetscape perspective, the dwelling maintains an appearance that is not out of context with newer two storey dwellings within the immediate neighbourhood. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 and 5 propose deficient side yards measured to the second storey. 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. Through a review of the immediate neighbourhood, similar deficiencies are common with newer two storey dwellings. The northerly side yard maintains a setback of 1.72 m at the widest point. The proposed setbacks are not out of character within the immediate neighbourhood and they maintain an appropriate buffer to neighbouring properties. While the by-law currently requires an additional 0.60 m setback from the side yard to the second storey, the reduction of the additional setback has no additional impact on the neighbouring properties in relation to its massing and size, if the by-law were to be maintained. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #8 proposes a dwelling depth of 20.92 m whereas a maximum of 20 m is permitted. The intent of the by-law is to minimize the impact of long walls on neighbouring lots as a direct result of the building massing. In this instance, the increased dwelling depth is only located on the ground floor on the northerly side of the dwelling. The increased depth is partially due to the projecting architectural feature that extends beyond the garage face, which accounts for approximately 0.45 m of the total depth. The southerly side of the dwelling and second storey maintains the maximum permitted depth of 20 m, minimizing the impact of a long continuous wall abutting the neighbouring property. Additionally, if a variance wasn't requested for dwelling

depth, the impact would be similar to what is currently proposed. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances do not add significant massing to the dwelling nor impact the streetscape character. The front yard setback is measured to the porch which is generally in-line with the neighbouring properties. Additionally, the front yard setback measured to the main face of the dwelling maintains the required setback. The increased eave overhang of 0.15 m does not add any significant massing to the dwelling. If the eave overhangs maintained the maximum permitted encroachment, variances #5 and 6 would not be required. Lastly, the walkway attachment is a minor deviation from the zoning by-law and is not large enough to allow for vehicular access. Staff is of the opinion that these variances are appropriate to be handled through the Committee of Adjustment process and raise no concerns of a planning nature, in this instance.

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

The proposed dwelling maintains the existing and planned context of the surrounding neighbourhood. The dwelling contains architectural features, which break up the overall massing to the streetscape. Additionally, the overall height of the dwelling is less than the maximum permitted height of 9.50 m, reducing the impact of the increased eave height. The increased lot coverage is due to the covered porch, rear deck, eaves and floor projections, which do not add significant massing to the dwelling. Regarding the deficient setbacks, the variances are similar to newer two storey dwellings within the immediate neighbourhood and will not adversely affect neighbouring properties from what is permitted. 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 will be addressed through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application, we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that there is a closed Preapp file (20-4228) but it is for a different proposal, as such, the proposed variances cannot be verified.

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The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order for a full zoning review to be completed. Depending on the complexity of the proposal, a minimum of 6-8 weeks will be required to process a pre-zoning review application.

Comments Prepared by: Sherri Takaloo – Zoning Examiner

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 contact Servicing Connections.

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Scaled concepts of 925 Goodwin Road



925 Goodwin Road

