

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A122.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

The City recommends that variance #7 be refused, however, have no objections to the remaining variances, as amended. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Application Details

The applicant requests the Committee allow the construction of an addition proposing:

1. A front yard measured to the dwelling of 6.46m (approx. 21.19ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
2. A front yard measured to the porch of 3.45m (approx. 11.31ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the porch of 5.90m (approx. 19.36ft) in this instance;
3. A front yard measured to the eaves of 6.37m (approx. 20.90ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 7.05m (approx. 24.61ft) in this instance;
4. A side yard measured to the first storey of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.94ft) in this instance;
5. A side yard measured to the second storey of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;
6. A westerly side yard measured to the eaves of 0.37m (approx. 0.21ft) whereas By-law 0225-2007, as amended, requires a minimum westerly side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
7. A dwelling unit depth of 21.68m (approx. 71.13ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
8. A maximum driveway width of 8.64m (approx. 28.35ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and

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9. A building height measured to the eaves of 6.66m (approx. 21.85ft) 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.

Amendments

The following variances should be amended as follows:

4. A westerly side yard measured to the first storey of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.94ft) in this instance;
5. A westerly side yard measured to the second storey of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;

Background

Property Address: 719 Third Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

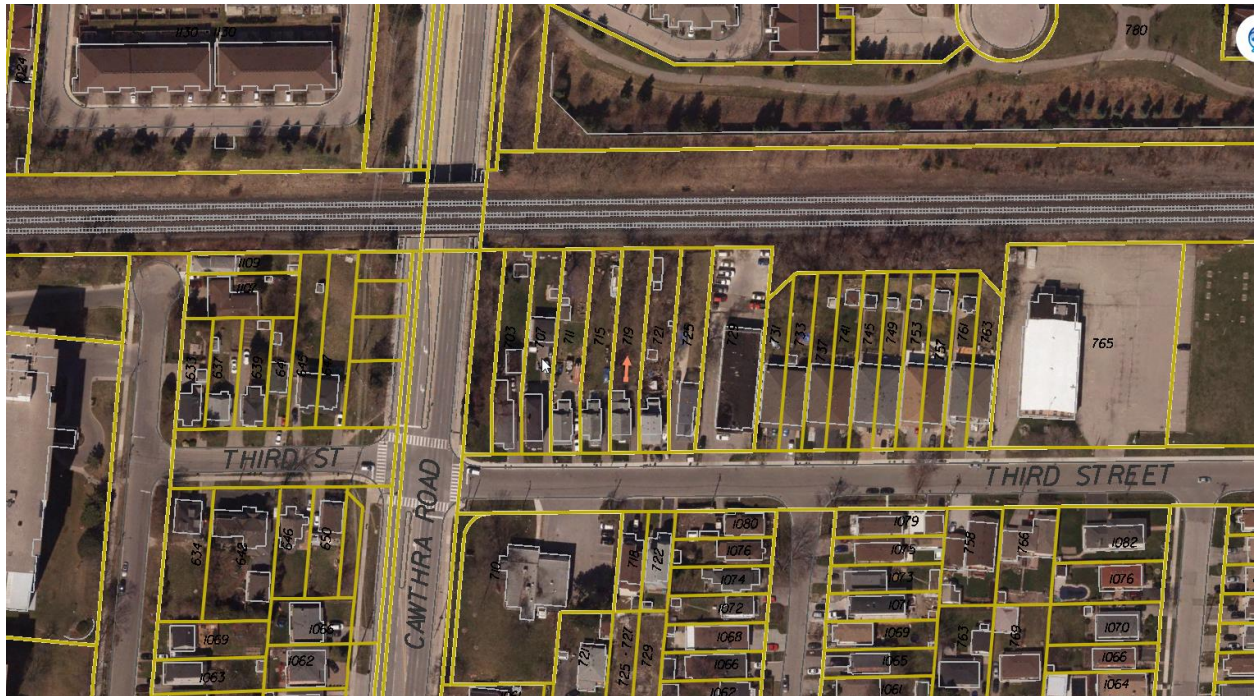
Other Applications

Pre-Application: 20-3479

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Cawthra Road and Lakeshore Road East. The surrounding area is primarily residential, consisting of one and two storey detached dwellings with mature vegetation. The immediate area also contains a fire station, a motor vehicle service use and a Legion establishment. The subject property contains an existing one and a half storey dwelling with mature vegetation in the rear yard, abutting the existing railway corridor.

The application was deferred from the April 15th, 2021 Committee of Adjustment hearing to allow the applicant to reduce the overall massing of the proposed dwelling. The proposed plans have been revised and the applicant is now requesting variances related to front and side yard setbacks, dwelling depth, driveway widths and eave height.



Lakeview should maintain the existing character of the area. The proposed dwelling generally maintains the character of the surrounding neighbourhood. The overall height of the proposed dwelling has been reduced to minimize the massing of the dwelling. However, the dwelling depth variance still being requested may negatively impact the neighbouring property. The dwelling depth is measured on both the first and second storey of the dwelling and is not broken up. As such, staff is of the opinion that variance #7 does not maintain the general intent and purpose of the official plan.

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

Variances #1-3 propose deficient front yard setbacks. In this instance, the immediate neighbourhood does not have a consistent streetscape as dwellings have varying setbacks from the front lot line. The proposed setbacks are generally in-line with neighbouring properties and will not impact the streetscape character.

Regarding variances #8 and 9, the applicant is proposing an increased driveway width and eave height. The proposed driveway width is located in the rear yard, hidden from the street. The proposed eave height is a minor deviation from the zoning by-law and will not present any significant massing concerns from what is currently permitted.

Based on the preceding information, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature, in this instance.

Variances #4-6 propose deficient westerly side yards measured to the dwelling and eaves. The general intent 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 area, detached dwellings are situated closer to the westerly property lines and have similar existing deficiencies. In this instance, the deficient setbacks to the dwelling are due to the existing building footprint. The remaining portion of the dwelling will maintain the required setbacks, preserving a sufficient setback to the neighbouring property. The deficient setback to the eaves does not add any significant massing to the dwelling, resulting in negligible impact to the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #7 proposes a dwelling depth of 21.68 m whereas a maximum dwelling depth 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 proposed dwelling does not contain features that break up the overall depth of the dwelling and its overall massing appearance. As such, there is a concern of a long continuous wall abutting the neighbouring property which presents a structural massing impact. Staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The proposed dwelling contains a dwelling depth that presents massing concerns to the abutting property. The proposed side yard setbacks measured to the existing building footprint, represents a common characteristic of the neighbourhood. The remaining portion of the dwelling maintains the required side yard setbacks measured to both the first and second storey. Staff is of the opinion that variance #7 does not represent orderly development of the lands and is nor minor in nature.

Conclusion

The Planning and Building Department recommends that variance #7 be refused, however, have no objections to the remaining variances, as amended. The applicant may choose to defer the application to verify the accuracy of the requested 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 the Development Construction Section of the Transportation and Works Department is currently reviewing a grading plan for the proposed addition, driveway and rear yard garage through the Secondary Unit Permit process, File SEC UNIT 20/4128.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing building permit application SEC UNIT 20-4128. Zoning staff recommends the following variances to be amended and added:

3. A front yard measured to the eaves of **5.86m (approx. 19.22ft)**; whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 7.05m (approx. 24.61ft) in this instance;
4. A **westerly** side yard measured to the first storey of 0.57m (approx. 1.87ft); whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.94ft) in this instance;
5. A **westerly** side yard measured to the second storey of 0.57m (approx. 1.87ft); whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;

7. A dwelling unit depth of **22.02m (approx. 72.25ft)**; whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
9. A building height measured to the eaves of **6.96m (approx. 22.83ft)**; 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; and
10. **A dwelling height of 10.39m (approx. 34.09ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (approx. 29.53ft) in this instance; and,**
11. **A unobstructed driveway width of 2.07m (6.79ft.); whereas By-law 0225-2007, as amended, requires a minimum unobstructed driveway width of 2.6m (8.53ft.) in this instance.**

These amendments are based on a review of the building permit plans received by Zoning staff on 2021-03-04.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit 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: Brian Bonner – Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner