

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A241.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 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 house proposing:

1. A gross floor area of 646.21sq.m (approx. 6955.75sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 536.34sq.m (approx. 5773.12ft) in this instance;
2. A side yard measured to a window well of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a window well of 1.80m (approx. 5.91ft) in this instance;
3. A building height measured to the eaves of 7.11m (approx. 23.33ft) 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;
4. A building height measured to the highest ridge of 9.58m (approx. 31.43ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.16ft) in this instance;
5. A dwelling depth of 24.69m (approx. 81.00ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and
6. A garage area of 114sq.m (approx. 1227.09sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75sq.m (approx. 807.29sq.ft) in this instance.

## Background

**Property Address:** 1403 Aldo Drive

## Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I

## Zoning By-law 0225-2007

Zoning: R2-5 – Residential

## Other Applications

Site Plan: 21-34

## Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and the Hydro corridor. The neighbourhood consists of large lots with mature vegetation, containing one and two storey detached dwellings. The subject property contains an existing two storey dwelling with mature vegetation.

The applicant is proposing a new two storey dwelling requiring variances related to gross floor area, side yard, height, dwelling depth and garage area.



## 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. As per Section 16.5.1.4 (Infill Housing), infill housing is encouraged to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, thereby maintaining the existing and planned character of the neighbourhood. 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?**

The application proposes an increased gross floor area, dwelling height and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings. The regulations also lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, giving the dwelling a more human scale. In this instance, the proposed dwelling contains a below grade garage which accounts for approximately 54.81 m<sup>2</sup> of the total gross floor area. Excluding the below grade garage, the dwelling would have a gross floor area of 591.40 m<sup>2</sup>. Additionally, the difference between average grade and finished grade is approximately 0.45 m. From a streetscape perspective, the overall height would be under the maximum permitted height of 9.50 m and the eave height proposed would be approximately 6.66 m which is a minor deviation from what is permitted. The dwelling contains architectural features that break up the overall massing of the dwelling, maintaining a design character that is reflective of the neighbouring properties. The proposed dwelling maintains the scale of newer dwellings within the immediate area and is not out of character with the existing or planned context of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes a dwelling depth of 24.69 m whereas a maximum dwelling depth of 20 m is permitted. The intent of regulating dwelling depth is to minimize the impact of long walls on neighbouring properties as a result of the building massing. In this instance, the increased dwelling depth is due to habitable space located below grade. Above grade, the ground and second floor maintain the maximum permitted depth of 20 m. As the increased depth is below grade, there will be no massing concerns to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances propose a deficient setback measured to a window well and increased garage area. The window well does not present any massing concerns to the neighbouring property. Additionally, the setback measured to the dwelling exceeds by-law requirements. The increased garage area is due to the below grade garage. The garage at grade maintains the maximum area permitted within the by-law. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and further, raise no concerns of a planning nature.

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

The proposed dwelling maintains the existing character of the neighbourhood and is similar to newer two storey dwellings within the neighbourhood. The dwelling contains features which reduce the overall massing of the dwelling to the streetscape and neighbouring properties. Finally, the increased dwelling depth is due to habitable space below grade. Above grade, the dwelling maintains the maximum permitted dwelling depth. Staff is of the opinion that the application represents orderly development 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 are being addressed through the Site Plan Application process, File SPI-21/034.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-34. A review of the second cycle of this application has not taken place yet and as such, the requested variances can't be confirmed at this time.

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: Brandon Eidner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner