

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A231.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-06-24 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. An interior side yard of 0.96m (approx. 3.15ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and
2. A building height of 8.45m (approx. 27.72ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 957 Dormer 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: 21-4853

Site and Area Context

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

The applicant is proposing a new two storey dwelling that requires a variance for flat roof height and a deficient side yard setback.



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, which permits detached, semi-detached and 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. As per Section 10.3 (Built Form Types) of the Local Area Plan, new housing within Lakeview should maintain the existing character of the area. The proposed dwelling is not out of scale with the newer two storey dwellings in the surrounding area and does not present any significant massing concerns to the established streetscape character. 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 side yard of 0.96 m whereas a minimum of 1.81 m is required. 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. A portion of the proposed dwelling encroaches into the easterly side yard measured to a pinch point at the front of the dwelling. While the dwelling maintains a deficient setback at this pinch point, the remaining portion of the dwelling exceeds the proposed setback and exceeds by-law requirements midway through the length of the dwelling. As such, the proposed dwelling maintains a sufficient buffer to the neighbouring property and also preserves access to the rear yard. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a flat roof height of 8.45 m whereas a maximum of 7.50 m is permitted. The intent in restricting the height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize the negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that were permitted up to a height of 10.70 m and could accommodate a three storey dwelling. In this instance, the difference between average grade and finished grade is approximately 0.45 m. From a streetscape perspective, the proposed flat roof dwelling breaks up the first and second storey which minimizes the overall massing of the dwelling. Additionally, the dwelling appears as two storeys and maintains the intent of the infill regulation. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed dwelling maintains the planned character and is not out of scale with newer development within the neighbourhood. The deficient side yard setback is only required for a pinch point on the front easterly side of the dwelling. The remaining portion of the dwelling maintains a setback exceeding the by-law regulation, thereby, preserving a sufficient buffer to neighbouring properties. 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.

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 addition will be addressed through the future Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-4853. 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: Zoning Examiner, Alana Zheng

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner