

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A236.21 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, as amended.

Application Details

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

1. A rectangular area of a detached garage (existing) measured from the inside face of walls of 2.0 x 5.5m (approx. 6.56ft x 18.04ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area of a detached garage measured from the inside face of walls of 2.75m x 6.0m (approx. 9.02ft x 19.68ft) in this instance;
2. An interior side yard measured to a detached garage (existing) of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a detached garage of 1.21m (approx. 3.96ft) in this instance;
3. An interior side yard of 2.59m (approx. 8.50ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 3.00m (approx. 9.84ft) in this instance;
4. A eave encroachment into a required interior side yard of 0.99m (approx. 3.28ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into a required interior side yard of 0.45m (approx. 1.47ft) in this instance; and
5. A building height measured to the eaves of 6.85m (approx. 22.47ft) 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.

Amendments

Variance #1 should be amended as follows:

1. A rectangular area of a detached garage (existing) measured from the inside face of walls of 5.5 x 5.5m whereas By-law 0225-2007, as amended, requires a minimum rectangular area of a detached garage measured from the inside face of walls of 2.75m x 6.0m (approx. 9.02ft x 19.68ft) in this instance;

Further, the following variance should be added to the application

A rear yard measured to a detached garage (existing) of 1.17m whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a detached garage of 1.21m (approx. 3.96ft) in this instance;

Background

Property Address: 1341 Stavebank Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-1 - Residential

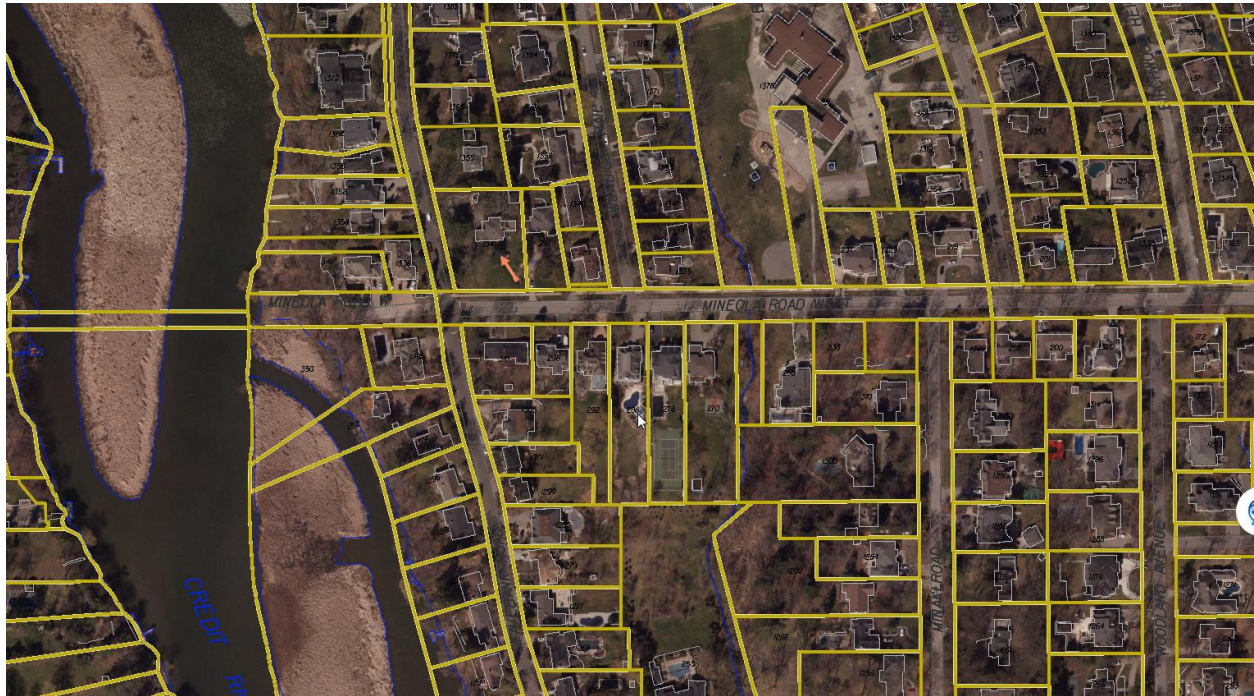
Other Applications

Site Plan Application: 21-42

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, at the intersection of Stavebank Road and Mineola Road West. The immediate neighbourhood is entirely residential, consisting of large lots with significant mature vegetation and containing one and two storey detached dwellings. The subject property contains an existing two storey dwelling with mature vegetation surrounding the dwelling.

The applicant proposes a two storey addition to the rear of the existing dwelling, requiring variances related to the rectangular area of a detached garage, deficient setbacks measured to a detached garage, dwelling, eaves and height measured to eaves.



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 (MOP) which permits detached, semi-detached and duplex dwellings. Section 16.18.1 of the Mineola Neighbourhood Character Area states new housing is encouraged to fit the scale and character of the surrounding area. The proposed addition is not out of character with the surrounding neighbourhood and represents compatible development with the existing 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 #2 and 3 propose deficient setbacks measured to the detached garage and the dwelling addition. 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. The deficient side yard setback to the addition is measured from the narrowest point of the lot line on the northerly side of the dwelling. The remaining portion of the dwelling maintains a setback that exceeds by-law requirements, increasing the setback to 3.19 m at the southerly end of the dwelling. The detached garage maintains a height of approximately 4 m and an area of approximately 40 m² which is less than the maximum height and area for a detached garage. This results in a reduced massing impact to the neighbouring property. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes an eave height of 6.85 m whereas a maximum eave height of 6.40 m is permitted. The intent of restricting an eave height is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, thereby keeping the dwelling within a human scale. In this instance, the increased eave height is measured from average grade which makes up the increased eave height. If the proposed addition was measured from established grade, a variance would not be required. As such, the proposed variance will not negatively impact the neighbouring property in regards to massing. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through a detailed review of the application, staff is of the opinion that the remaining variances are appropriate to be handled through the minor variance process.

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

The deficient setback to the addition is measured to the narrowest point which represents a minor deviation from what is currently permitted. The remaining portion of the addition maintains a setback that exceeds by-law requirements towards the southerly side of the dwelling. The increased eave height is due to the difference between average and established grade. From a streetscape perspective, the proposed addition does not present any massing concerns and maintains the maximum permitted eave height of 6.40 m. 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, as amended.

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-21/042. Attached you will find Photos of the existing detached garage.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 21-042. Based on review of the information currently available for this application, we advise that the following variance(s) should be added/amended as follows:

2. A rectangular area of a detached garage (existing) measured from the inside face of walls of 5.5 x 5.5m whereas By-law 0225-2007, as amended, requires a minimum rectangular area of a detached garage measured from the inside face of walls of 2.75m x 6.0m (approx. 9.02ft x 19.68ft) in this instance;

Further we advise that the following variance is required;

A rear yard measured to a detached garage (existing) of 1.17m whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a detached garage of 1.21m (approx. 3.96ft) in this instance;

Our comments are based on the plans received by Zoning staff on 03/24/2021 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval 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: A. McCormack

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner