

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-13	File(s): A286.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-22 1:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A front yard measured to a garage of 11.41m (approx. 37.43ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a garage of 12.00m (approx. 39.37ft) in this instance;
2. A front yard measured to a porch of 10.03m (approx. 32.91ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 10.40m (approx. 34.12ft) in this instance;
3. A front yard measured to a garage awning of 10.95m (approx. 35.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a garage awning of 11.39m (approx. 37.37ft) in this instance;
4. A building height of 10.38m (approx. 33.89ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.16ft) in this instance;
5. Play equipment height of 3.15m (approx. 10.33ft) whereas By-law 0225-2007, as amended, permits a maximum play equipment height of 3.00m (approx. 9.84ft) in this instance; and
6. Play equipment area of 7.32sq.m (approx. 78.79sq.ft) whereas By-law 0225-2007, as amended, permits a maximum play equipment area of 5.50m (approx. 59.20sq.ft) in this instance.

## Amendments

The Building Department is currently processing a SP permit under file SPI 20-137. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows: The variance comment for insufficient front yard setback is required and added to comments:

7. A front yard measured from front lot line to the nearest part of the building of 11.41m (approx. 37.431ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to nearest part of the building of 12.00m (approx. 39.37ft) in this instance;

## Background

**Property Address:** 501 Rattray Park Drive

### Mississauga Official Plan

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

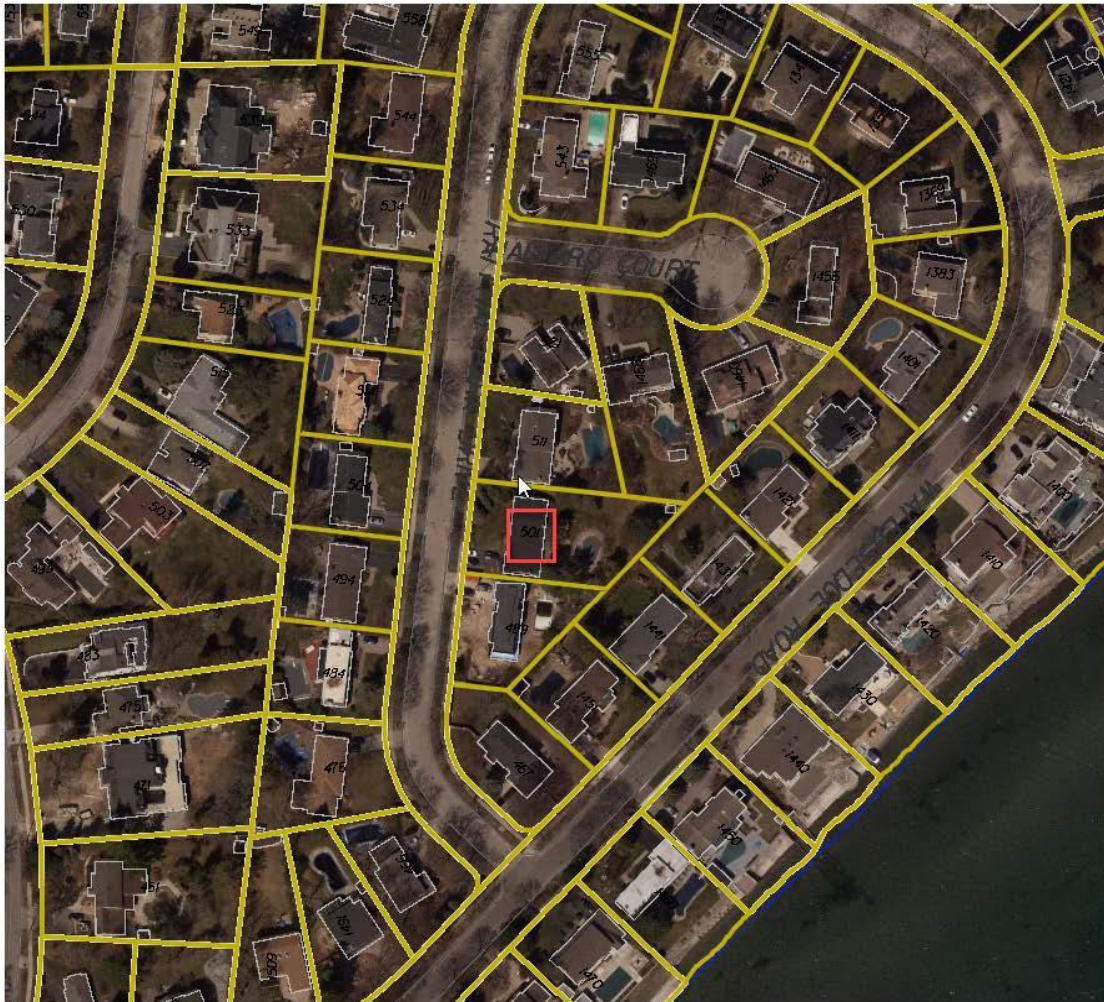
### Zoning By-law 0225-2007

**Zoning:** R1-2 - Residential

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Southdown Road and Lakeshore Road West intersection. The neighbourhood consists of large lots with one and two storey detached dwellings and significant mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in the front and rear yard.

The applicant is proposing a new two storey dwelling, requiring variances related to front yard setback, height and play equipment.



## 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 site is located within the Clarkson-Lorne Park Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed structure is permitted within this designation; Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

Variances #1, #2, #3 and #7 pertain to reduced front yard setbacks. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff have no concerns with the proposed front yard setbacks as they are a minor deviation from the zoning by-law requirements and are insignificant to the neighbouring properties. Furthermore, the applicant's proposed front yard is more aligned with the front yards for the properties directly abutting the subject property, than the existing detached dwelling is. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes a building height of 10.38m where a maximum building height of 9.50m is permitted. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. The proposed dwelling proposes eave heights that are in keeping with the zoning by-law requirement and help lessen the visual impact of the overall height of the dwelling. Furthermore, the proposed dwelling contains architectural features that break up the overall massing of the dwelling in relation to the streetscape and neighbouring properties. As a result, the proposed dwelling would maintain compatibility with the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #5 and #6 propose a height and area of 3.15m and 7.32 m<sup>2</sup> for the proposed play equipment where a maximum play equipment height and area permitted is 3 m and 5.5m<sup>2</sup>. The intent of the zoning by-law provisions regarding play equipment structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting

any massing concerns to neighbouring lots. The play equipment structure currently exists on the property and is of no concern to staff. The proposed height is a minor deviation from what is permitted in the zoning by-law and causes no overlook or privacy concerns. Furthermore, the applicant is seeking to move the structure more centrally into the backyard, which will lessen its impact and negate any massing concerns to neighbouring lots. 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 variances maintain the context of the surrounding neighbourhood and do not pose any significant impact to the streetscape character. The dwelling's eave height is less than the permitted maximum, which lessens the impact of the increased building height. Architectural elements also breakup the dwelling's overall massing lessening the increased building height impact. Additionally, the proposed front yard setbacks are similar to properties in the immediate area and does not alter the streetscape character. The proposed play structure area and height are minor in nature and located centrally into the backyard to negate any privacy, massing and overlook concerns to neighbouring lots. As a result, the proposed dwelling maintains the existing and planned character of the neighbourhood. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, 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-20/137.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a SP permit under file SPI 20-137. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The variance comment for insufficient front yard setback is required and added to comments:

**8. A front yard measured from front lot line to the nearest part of the building of 11.41m (approx. 37.431ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to nearest part of the building of 12.00m (approx. 39.37ft) in this instance;**

The “**play equipment**” and the “**shed**” in rear yard NOT included in zoning review as the full architectural drawings and documents has not been provided by applicant based on latest zoning review on 2021-May-14<sup>th</sup>,

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: Sherri Takaloo - Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

N/A

### Appendix 4 – Heritage

N/A

**Appendix 5 – Region of Peel Comments**

We have no comments or objections.