

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-11	File(s): A46.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The Planning & Building Department has no objections to the application.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new home on the subject property proposing:

1. A gross floor area of 192.08sq.m (approx. 2,067.53sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.30sq.m (approx. 1,876.15sq.ft) in this instance;
2. A lot coverage of 33.47% of the lot area (124.36sq.m/approx. 1,338.60sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% of the lot area (111.45sq.m/approx. 1,199.64sq.ft) in this instance;
3. A height measured to the eaves of 7.06m (approx. 23.16ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A driveway width of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
5. A driveway setback to the lot line of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance;
6. A front yard of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
7. A front yard measured to a porch of 4.23m (approx. 13.88ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 5.90m (approx. 19.36ft) in this instance; and
8. An easterly side yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance.

Background

Property Address: 3146 Merritt Avenue

Mississauga Official Plan

Character Area: Malton Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

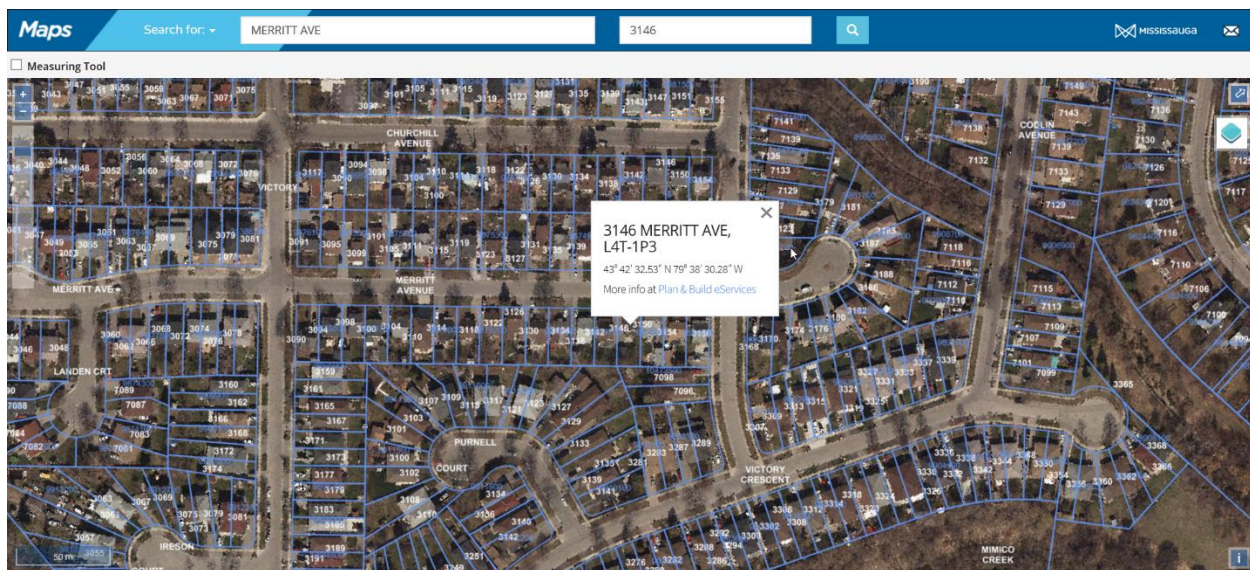
Zoning: R4-1 - Residential

Other Applications: PRE APP 20-3674

Site and Area Context

The property is located north-east of the Derry Road East and Airport Road intersection in the Malton Neighbourhood. The property currently contains a single storey detached dwelling with minimal vegetation in the front and rear yards. The subject property has a lot area of +/- 371.50m² and a lot frontage of +/- 12.19m. The built form of the surrounding neighbourhood consists of single storey detached dwellings.

The applicant is proposing a new dwelling requiring variances for lot coverage, gross floor area, height of the eaves, driveway width, as well as driveway, front yard and side yard setbacks.



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 located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex 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. While there are few redeveloped dwellings in the immediate area, staff are of the opinion that the proposed structure represents compatible development that is in line with the planned character of the area. Staff are therefore of the opinion that the proposal meets 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 & 2 are for an increased gross floor area and lot coverage. The intention of these provisions is to ensure that new development is compatible with the surrounding built form and prevent the overdevelopment of the lot. The proposed variances are minor in nature and do not represent significant increases that impact the planned character of the area. It is the opinion of staff that the proposed dwelling is appropriately sized for the subject property.

Variance 3 relates to the height measured to the eaves. Staff note that no variance is requested for the overall height of the structure. The intention of the height regulations in the by-law is to help regulate the massing of structures and to maintain a human scale. The subject property has a slight slope leading towards the rear of the property, causing the Average Grade (from which the height of the eaves is measured) to be below ground at the front of the house. Additionally the design of the front wall of the dwelling uses architectural details that help mitigate the massing of the dwelling and reduce the impact on the public realm. The proposal is in character with other new builds in the surrounding area and staff are satisfied that the request meets the general intent and purpose of the Zoning By-law.

Variances 4 & 5 relate to the proposed driveway. The minimum width provision is to ensure that the driveway is sufficiently wide in order to accommodate a motor vehicle, and the setback provision is to allow for a visual separation of properties and drainage. The driveway width is only restricted on the property when it passes the dwelling in order to access the parking in the rear yard. Staff are satisfied that the driveway will remain functional and have no concerns regarding this variance. Regarding the driveway setback request, the variance has been circulated as requesting 0.0m of setback, however the submitted site plan appears to show a setback of 0.3m from the property line. Shared driveways represent the norm along this portion

of Merritt Avenue, which reduces the visual separation between properties. Staff have no objections to the 0.3m driveway setback as shown on the Site Plan as it allows for drainage and increases the visual separation as envisioned by the by-law, however staff do have concerns with a requested 0.0m setback.

Variances 6, 7 & 8 request reduced setbacks on the subject properties. The setback regulations in the by-law seek to ensure a consistent character is maintained along the streetscape and that there is an adequate buffer between the primary structures on adjoining properties. The reduced front yard for both the dwelling and the porch brings the house more appropriately in line with the abutting properties than if the by-law setback was enforced, and continues to accommodate an appropriate front yard amenity area. The requested side yard setback represents a reduction on only one side of the dwelling, and staff are satisfied that an appropriate buffer is maintained between the proposed dwelling and the adjoining property. Furthermore access to the rear yard is maintained on the opposite side of the dwelling due to the increased setback to facilitate the driveway.

Given the above it is the opinion of staff that the variances meet the general intent and purpose of the Zoning By-law.

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

Planning staff are of the opinion that the proposed development has only minor impacts on surrounding properties and the streetscape, and that the redevelopment of the dwelling represents appropriate development of the subject lands. The requests are appropriate for the lot and do not negatively impact or significantly stray from the planned character of the neighbourhood.

Conclusion

The Planning & Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, 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 new dwelling will be addressed through the Building Permit Application process.

As noted in our previous comments the applicant has removed the previously proposed trench drain and as indicated in the Site Plan DWG A1, a 0.304 setback to the driveway from the property line has been provided which we find acceptable.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

City of Mississauga

Memorandum:

City Department and Agency Comments

Appendix 2 – Zoning Comments

The Building Department is currently processing preliminary zoning review application PREAPP 20-3674. From a review of this application it appears that variances 3 through 8 are correct. Additional information is required in order to verify the accuracy of variances 1 and 2 and to determine if any additional variances are required.

Our comments are based on the plans received by Zoning staff on 2020/12/04 for the above captioned 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 preliminary zoning review 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 preliminary zoning review process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Acting Supervisor