

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: Enter/choose date.	File(s): A176.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-26 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that no additional variances are 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 351.31sq.m (approx. 3781.47sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 327.49sq.m (approx. 3525.07sq.ft) in this instance;
2. A building height measured to the eaves of 7.47m (approx. 24.51ft) whereas by-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (21.00ft) in this instance;
3. A garage projection beyond the front wall of the dwelling of 2.31m (approx. 7.58ft) whereas By-law 0225-2007, as amended, does not permit a garage projection beyond the front wall of the dwelling in this instance;
4. A dwelling depth of 20.54m (approx. 67.39ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 (approx. 65.62ft) in this instance;
5. A side yard of 1.29m (approx. 4.23ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 6.00m (approx. 19.69ft) in this instance;
6. A setback measured to a balcony of 1.34m (approx. 4.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a balcony of 5.00m (approx. 16.40ft) in this instance; and
7. A setback measured to a covered porch of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a covered porch of 4.40m (approx. 14.44ft) in this instance.

Amendments

"[Enter amendments to variances]"

Recommended Conditions and Terms

"[Enter terms and conditions here]"

Background

Property Address: 75 Morgon Avenue

Mississauga Official Plan

Character Area: Streetsville Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-69

Other Applications: PREAPP 21-4899

Site and Area Context

The subject property is located south-east of the Thomas Street and Hillside Drive intersection and contains a single storey detached dwelling with minimal vegetation and landscaping elements in both the front and rear yards. It is a corner property with a lot area of +/- 887.46m² and a lot frontage of +/- 17.98m. The surrounding neighbourhood consists of single storey detached homes on lots with frontages of +/- 17m and with minimal vegetation and landscape elements scattered throughout the front yards.

The applicant is proposing a new dwelling requiring variances for gross floor area, building height, garage projection and 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 Streetsville 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. The proposed detached dwelling respects the designated and surrounding land use and maintains the general intent and purpose of the Official Plan.

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

Variance 1 requests an increase in gross floor area for the proposed dwelling. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and

ensure the existing and planned character of a neighbourhood is preserved. Staff are satisfied that the requested increase does not negatively impact the planned character of the neighbourhood and is incorporated into the design of the dwelling in a way that minimizes the impact of the variance.

Variance 2 relates to the height of the eaves. The intent of the height provisions in the by-law is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground in order to maintain a human scale. While the proposed variance appears excessive, Staff note that at the front of the dwelling there is a 0.37m difference from the Average Grade to the Established Grade, and a difference of 0.57m difference from the Average Grade to the grade at the dwelling. This difference can be attributed to the garage face being partially below grade. Furthermore the difference between the Average Grade and the grade at the dwelling at the rear is larger than at the front. Further staff note that no variance is requested for the overall height of the structure. The height as proposed represents a minor deviation from what is permitted and the staggered façade of the dwelling and architectural features help to break up the overall massing of the dwelling.

Variance 3 is to permit an increased garage projection. The intent of restricting the projection is to maintain a consistent streetscape while ensuring the garage is not the dominant feature of the dwelling. The proposed garage is partially below the grade of the property and is covered by a front porch. Staff are satisfied that the garage is designed in a way that prevents it from being the dominant feature of the dwelling and respects the streetscape.

Variance 4 requests an increased dwelling depth. The intent of this provision is to minimize the impacts of long walls on neighbouring lots as a result of the massing. Staff are of the opinion that the request will not create any impact on adjoining properties. Staff note that the only side wall abutting a neighbour is broken up through the use of differing setbacks and materials and is less than the permitted 20 metres in length.

Variances 5-7 are for side yards measured to the dwelling, covered porch, and balcony. Staff note that all of the requested variances are for the exterior side yard abutting Hillside Drive and not a neighbouring property. The intent of the exterior side yard provisions are to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff are satisfied that an appropriate buffer will be maintained and are of the opinion that the proposal represents an improvement from the existing condition.

Given the above staff are satisfied that the variances maintain 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?

Following a detailed review of the application staff are satisfied that the requested variances, both individually and cumulatively, are minor in nature. Staff are of the opinion that the proposed dwelling is appropriate development for the subject lands and meets the four tests of a minor variance.

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 Process.

In the previous request we indicated some concerns with the driveway location being in close proximity to the Morgon Avenue and Hillside Drive intersection. Through discussions with staff the applicant has modified the proposed driveway location to be a greater distance from the intersection which we find acceptable. The applicant has also confirmed that there will be no reverse grade driveway for the proposed dwelling.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-4899. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Alana Zheng, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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Comments Prepared by: [Click here to insert name, title...](#)

Appendix 4 – Heritage

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Comments Prepared by: [Click here to insert name, title...](#)

Appendix 5 – Region of Peel Comments

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Appendix 6- Conservation Authority Comments

"[Entert CA comments]"

Comments Prepared by: [Click here to insert name, title...](#)

Appendix 7 – "[Enter other agency name]"

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Comments Prepared by: [Click here to insert name, title...](#)