

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A353.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The City recommends refusal of Variances #4 and 5 and approval of the remaining variances.

Application Details

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

1. An eave encroachment into the required interior side yard of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;
2. A roof encroachment of 1.35m into the required exterior side yard, (approx. 4.43ft) whereas By-law 0225-2007, as amended, permits a maximum roof encroachment of 0.45m (approx. 1.48ft) in this instance;
3. A flat roof height of 7.93m (approx. 26.02ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
4. A gross floor area of 435.38sq.m (approx. 4686.41sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 374.14sq.m (approx. 4027.21sq.ft) in this instance;
5. A circular driveway on a lot with a frontage of 20.61m (approx. 67.62ft) whereas By-law 0225-2007, as amended, does not permit a circulate driveway on a lot with a frontage less than 22.50m (approx.73.82ft) in this instance;
6. A driveway width of 1.73m (approx. 5.68ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
7. A lot coverage of 35.3% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% in this instance;
8. An interior side yard of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.0m (approx. 9.84ft) in this instance;
9. An exterior side yard of 7.14m (approx. 23.43ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.61ft) in this instance;
10. A window well encroachment into the required exterior side yard of 1.21m (approx. 3.97ft)

whereas By-law 0225-2007, as amended, permits a maximum widow well encroachment of 0.61m (approx. 2.00ft) in this instance;

11. An eave height of 7.06m (approx. 23.16ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and

12. A rear yard of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (approx. 3.94ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, Staff would note variance #1 and #12 should be amended as follows, and that variance #6 should be removed.

1. An eave encroachment into the required interior side yard of 1.75m (approx. 5.58ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;
12. A rear yard setback of 0.61m to an accessory structure (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 1143 Kane Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

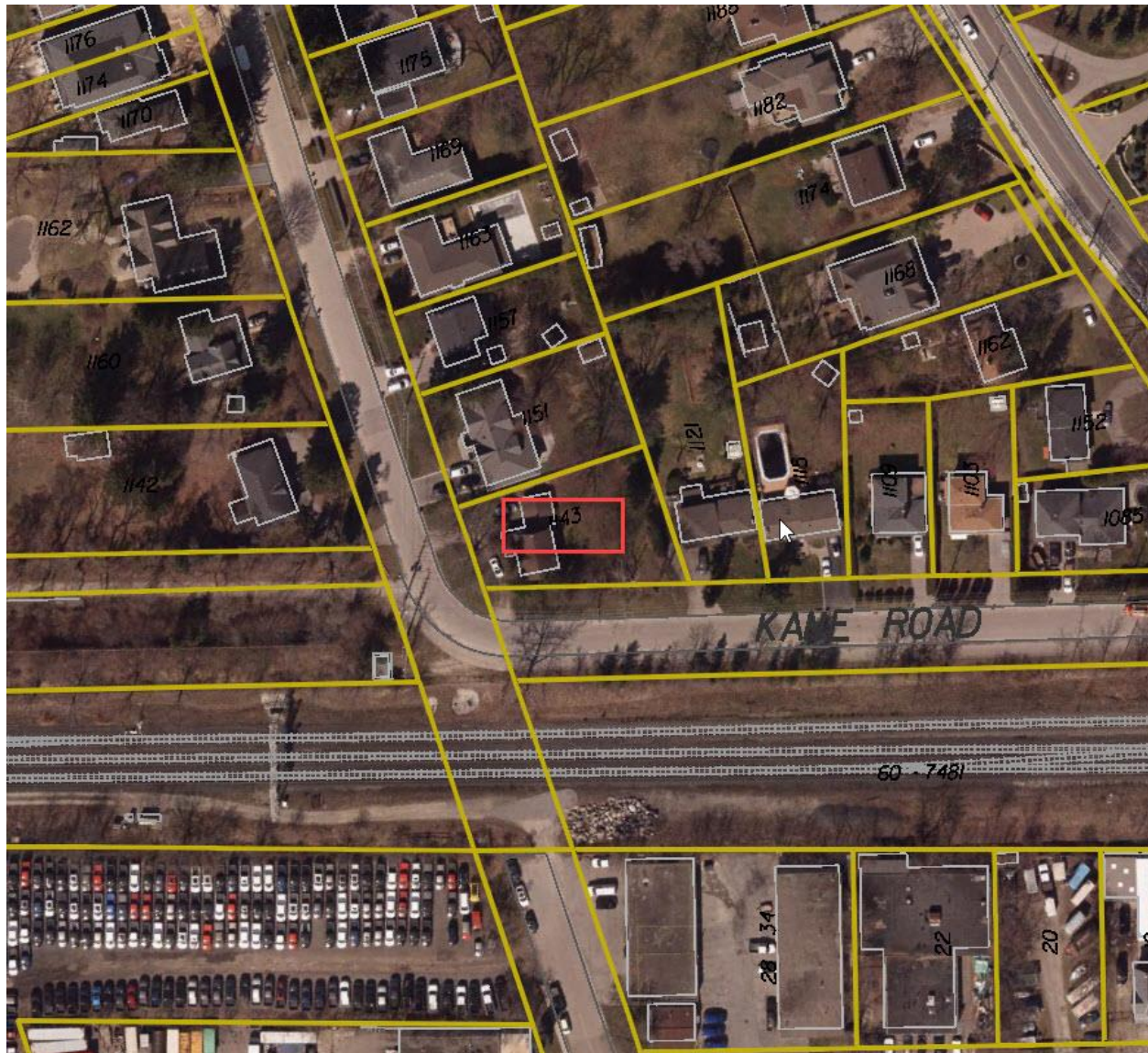
Zoning: R2-1 - Residential

Other Applications: Pre-Zoning Application (No. Unknown)

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Indian Road and Mississauga Road, directly north of the CN railway. The immediate area consists of a mix of detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to eave and roof encroachment; flat roof and eave heights; gross floor area; a circular driveway and driveway width; lot coverage; interior and exterior side yards; a window well encroachment and rear yard.



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 are as follows:

In the applicant's original submission to Committee, the drawings did not match the list of variances. Since then the applicant has provided Staff with a revised list of variances and drawings on September 20th. Staff's comments are based on the applicant's revised list of variances and drawings.

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached dwellings. The applicant has requested the Committee approve the proposed minor variances to allow the construction of a new two storey detached dwelling on the subject property.

Staff have concerns with variances #4 and #5 with respect to the proposed GFA and a circular driveway. The applicant has proposed a GFA of 435.38m² when a maximum of 374.14m² is permitted (variance #4). While larger dwellings are not out of character with the surrounding area, Staff are of the opinion that the gross floor area proposed is excessive and does not maintain compatibility between the existing dwellings on the street nor would it preserve the established character of the neighbourhood. Furthermore, Staff are of the opinion that the northern wall abutting the adjacent property to the north causes significant massing issues. The northern wall does not contain any architectural design elements that would help to visually breakup the visual massing of the dwelling. The applicant also proposed a circular driveway on a lot with a frontage of 20.61m where the By-law does not permit a circular driveway on a lot with a frontage less than 22.50m (Variance #5). T&W staff are not supportive of the secondary access point proposed for this property. T&W staff have requested for the secondary access point to be removed through Site Plan Application SP-21/057. Furthermore, T&W staff are of the opinion that the configuration of the driveway would not be functional to operate as a driveway and manoeuvre cars. The proposed driveway would result in promoting additional car parking on the front yard. Planning staff has no concerns with the remaining variances. As such, staff recommends refusal of Variances #4 and 5 and approval of the remaining variances.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department **cannot** support the most easterly access to the property and therefore does not support a circular driveway as requested. Through the current Site Plan application process File SP-21/057, our Traffic Section has identified that the current secondary access point is to be removed. The access point does not meet TAC guideline's for minimum corner clearance. The configuration of the driveway would not be functional to operate as a driveway and manoeuvre cars. The proposed driveway would result in promoting additional car parking on the front yard.





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 21-57. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 04/12/2021 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