

City of Mississauga Department Comments

Date Finalized: 2021-09-15	File(s): A387.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-23 1:00:00 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 gross floor area of 380.06sq.m (approx. 4090.93sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 342.72sq.m (approx. 3689.01sq.ft) in this instance;
2. A lot coverage of 35.94% (274.42sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (267.26sq.m) in this instance;
3. A combined width of side yards of 3.14m (approx. 10.30ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.20m (approx. 13.78ft) in this instance; and
4. An eave height of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SPI 21/015. Based on review of the information currently available for this application, we advise that the following variance(s) should be added as follows:

5. A proposed accessory structure with an area occupied of 37.9m sq whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum area occupied of 20.0m sq in this instance

Background

Property Address: 1311 Northaven Drive

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

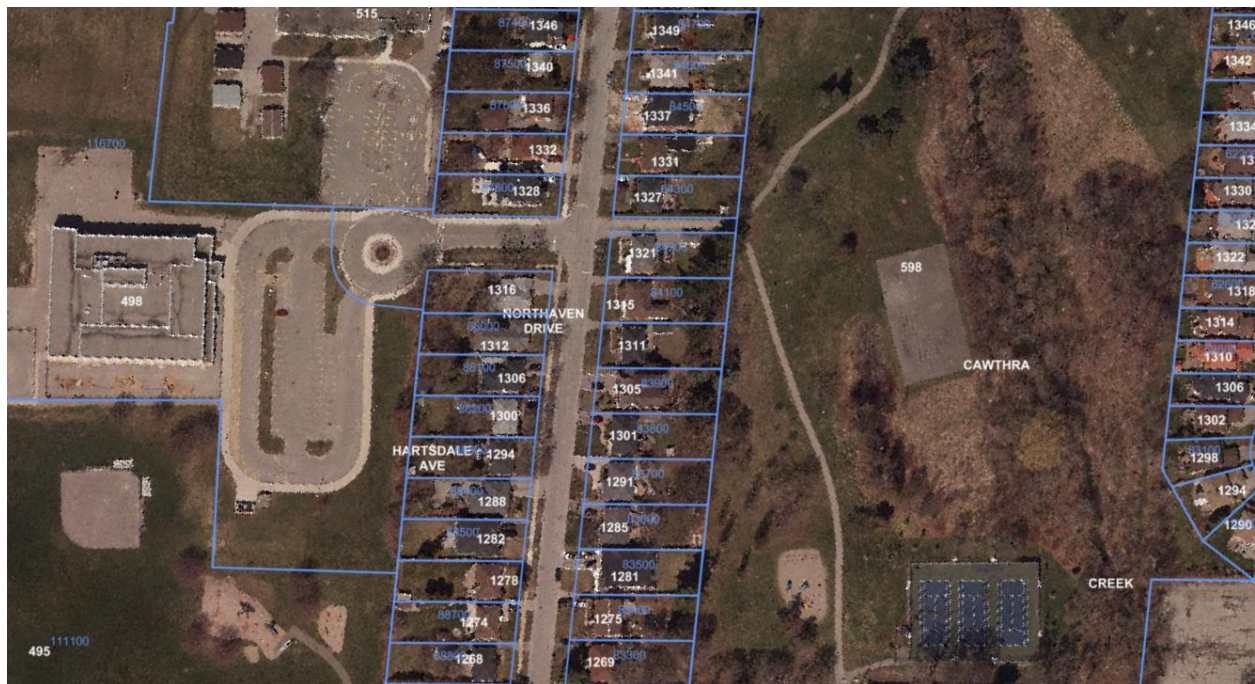
Zoning: R3-1 - Residential

Other Applications: Site Plan Infill: SPI 21-015 W1

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Atwater Avenue and Cawthra Road. The immediate neighbourhood consists of older one and newer two storey residential dwellings with vegetation and landscape elements in the front yards. The subject property contains an existing one storey dwelling with a detached garage located in the rear yard.

The application proposes a new dwelling on the subject property requiring variances related to gross floor area, lot coverage, side yards and eave height.



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 II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. Section 16.18.1 of the Mineola Neighbourhood Character Area policies states that new housing is encouraged to fit the scale and character of the surrounding area. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole, thereby maintaining the character of the surrounding neighbourhood. 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 #1 and 4 propose an increased gross floor area and height to eaves. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey of the dwelling, resulting in the appearance of a reduced overall building massing which is reflective of the established streetscape. The proposal is consistent with the newer two storey dwellings in the immediate area and does not pose a negative impact to the character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a lot coverage of 37.21%, where a maximum of 35% is permitted. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 34%, which is less than the maximum permitted under the by-law. The portion of the lot coverage that exceeds the by-law is only attributable to the front and rear covered porches. The covered porches do not add significant massing to the existing dwelling. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a combined width of side yards of 3.14m, where a minimum combined yard width of 4.2m is required. 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, and that access to the rear yard ultimately remains unencumbered. Staff is not concerned with this variance, as the applicant is not seeking additional variances for the side yards.

Furthermore, the side yards proposed provided an adequate buffer between the massing of the proposed dwelling and adjacent properties. The setbacks proposed are also consistent with

setbacks for dwellings in the immediate neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #5 proposes an increased accessory structure area. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. The proposed cabana is clearly subordinate to the main dwelling and is proportional to the lot. The Zoning By-law permits a maximum occupied combined area of 30m² for all accessory buildings and structures. In this instance, the proposed variance represents a minor deviation from the by-law regulations. Furthermore, the proposed accessory structure is a predominantly open structure resulting in no massing concerns.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood. The dwelling contains architectural features that breaks up the overall massing of the dwelling as a result of the increased gross floor area. As a result, the proposed dwelling maintains compatibility with newer two storey dwellings. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature. As such, Staff has no objection to the variances, as amended.

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-21/015.



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 21/015. Based on review of the information currently available for this application, we advise that the following variance(s) should be added as follows:

- A proposed accessory structure with an area occupied of 37.9m sq whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum area occupied of 20.0m sq in this instance;

Our comments are based on the plans received by Zoning staff on 07/28/2021 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 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Dellwood Park (P-005).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.
4. Hoarding and securities to protect the adjacent park may be required as part of a site plan control application.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner