

City of Mississauga Department Comments

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| Date Finalized: 2021-09-28 | File(s): A395.21 Ward: 1 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2021-10-07 3:00:00 PM |

Consolidated Recommendation

The City has no objection to the variances. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. A lot coverage of 45.63% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A building height (dwelling) measured to the eaves of 6.78m (approx. 22.24ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
3. An area of an accessory structure of 13.94sq.m (approx. 150.05sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
4. An accessory structure height of 3.48m (approx. 11.12ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84m) in this instance.

Background

Property Address: 65 Onaway Road

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R15-8 - Residential

Other Planning Applications: None

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, south east of Hurontario Street and Lakeshore Road East. The neighbourhood is primarily residential, consisting of an eclectic mix of older and newer one and two storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one storey single detached dwelling with mature vegetation in the front yard.

The application proposes the construction of a new two storey dwelling requiring variances related to lot coverage, building height and accessory structure size and 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 I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. New housing is encouraged to fit the scale and character of the surrounding area in order to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character streetscape. 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 proposes a lot coverage of 45.63%, where a maximum of 40% is permitted. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 37.5%, 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 cabana and front and rear covered porches. The covered porches and cabana do not add significant massing to the overall dwelling from what is currently permitted. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes an eave height of 6.78m (Approx. 22.24ft), where a maximum of 6.4m (21.00ft) 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. This gives the dwelling a more human scale. The proposed dwelling contains architectural features that break up the first and second storey, resulting in the overall massing of the dwelling being reflective of the established streetscape and neighbouring properties. 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.

Variances #3 and #4 pertain to the accessory structure (cabana). An area of 13.94m² (Approx. 150.05ft²) is proposed where a maximum accessory structure of 10m² (Approx. 107.64ft²) is permitted, and an accessory structure height of 3.48m (approx. 11.12ft) is proposed when a maximum accessory structure height of 3m (approx. 9.48ft) is permitted. 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 structure 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. 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, 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.

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 will be addressed through the future Building Permit Application process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner