

City of Mississauga Department Comments

Date Finalized: 2021-09-28	File(s): A401.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 1:00:00 PM

Consolidated Recommendation

The City has no objections to the variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow for the construction of an accessory structure and an addition to the primary dwelling proposing:

1. A side yard setback of 2.16m (approx. 7.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 3.00m (approx. 9.84ft) in this instance;
2. A building height measured to the eaves of 6.50m (approx. 21.33ft) 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 accessory structure height of 3.90m (approx. 12.80ft) to the highest point of the structure whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) to the highest point of the structure in this instance; and
4. An accessory structure area of 28.39sq.m (approx. 305.59sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq.m (approx. 107.64sq.ft) in this instance.

Background

Property Address: 42 Peter Street South

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R15-1 - Residential

Other Planning Applications: Site Plan Infill SPI 21-39 W1**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood (West), southeast of Mississauga Road and Lakeshore Road West. The neighbourhood is entirely residential consisting of old and new one and two storey detached dwellings, and a two and a half storey apartment building on lots with mature vegetation in the front yards. The subject property is a one storey detached dwelling with no vegetation in the front yard.

The application proposes an addition and an accessory structure, requiring variances for side yard setback, eave height, and, accessory structure height and area.

**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, which permits detached, semi-detached, duplex and triplex dwellings. The subject property is also located in the Old Port Credit Village Heritage Conservation District. The Heritage Advisory Committee approved the applicant's proposal during their meeting on March 9, 2021 (HAC-0019-2021). 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 addition and accessory structure respects the designated land use and maintains the general intent and purpose of the MOP.

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

Variance #1 proposes a side yard setback of 2.16m (approx. 7.09ft) where a minimum side yard setback of 3.00m (approx. 9.84ft) 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 side yards proposed provided an adequate buffer between the massing of the proposed dwelling and adjacent properties. Furthermore, the proposed setbacks ensures access to the rear yard is maintained. The setbacks proposed are consistent with side yard setbacks for residential dwellings in the immediate neighbourhood. 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 6.50m (approx. 21.33ft) where 6.40m (approx. 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. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement. 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 28.39m² (Approx. 305.59ft²) is proposed where a maximum accessory structure of 10m² (Approx. 107.64ft²) is permitted, and an accessory structure height of 3.9m (Approx. 12.8ft) is proposed where a maximum accessory structure height of 3m (Approx. 9.84ft) 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. The proposal has met this

requirement Furthermore; the proposed height of the accessory structure is only proposed to accommodate a gable, which is a small portion of the roof.

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. Furthermore, the proposal has received approval from the Heritage Advisory Committee. As a result, the proposed dwelling maintains compatibility with dwellings in the immediate area. 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 addition are being addressed through the Site Plan Application process, File SPI-21/039.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan application under file SPI 21-39 W1. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application submitted on 08/17/2021 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: Jeanine Benitez, Zoning Examiner