

City of Mississauga Department Comments

Date Finalized: 2021-10-12	File(s): A409.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-21 1:00:00 PM

Consolidated Recommendation

The City recommends refusal of Variance #1, and has no concerns with 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. A flat roof dwelling height of 9.42m (approx. 30.91ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof dwelling height of 7.50m (approx. 24.61ft) in this instance; and
2. A front yard setback of 6.89m (approx. 22.60ft) to the porch stairs whereas By-law 0225-2007, as amended, requires a front yard setback of 7.40m (approx. 24.28ft) to the porch stairs in this instance.

Amendments

The Building Department is currently processing a building permit under file SPI 21-68. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

3. A combined width of side yards of 4.21m (approx. 13.81ft) whereas By-law 0225-2007, as amended, requires a combined width of side yards of 8.03m (approx. 26.35ft) in this instance; and
4. A walkway attached to driveway with attachment of 4.4m (approx. 14.44ft) whereas By-law 0225-2007, as amended, permits a walkway attached to driveway with attachment of 1.5m (approx. 4.92ft) in this instance.

Background

Property Address: 1421 Glenburnie Rd

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands & Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Planning Applications: Site Plan Infill – 21-68 W1

Site and Area Context

The subject property is located within the Mineola Neighbourhood, northwest of Hurontario Street and Mineola Road West. The neighbourhood is entirely residential consisting of newer and older one and two storey detached dwellings on lots with mature vegetation in the front yards. The subject property is a two storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for flat roof height, front yard setback, combined width of side yards and a walkway attachment.



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 and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The entirety of the proposal is situated on the lands designated Residential Low Density I, which permits detached, semi-detached and duplex dwellings. The proposed detached dwelling respects the designated land use. 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 pertains to height of the flat roof. The applicant is proposing a flat roof height of 9.42m (approx. 30.91ft), where a maximum flat roof height of 7.5m (approx. 24.61ft) is permitted. Staff note that there is a 0.48m discrepancy between the established grade and average grade. From a street view, the flat roof height would appear to be 8.94m (approx. 29.33ft). Even though this discrepancy exists, staff would not be supportive of an 8.94 m (29.33ft) flat roof in this instance. Staff are concerned that the height proposed is not consistent with flat roof heights in the immediate area and does not maintain the general intent and purpose of the infill regulations. Furthermore, the flat roof height is a significant deviation from what the by-law permits.

Variance #2 pertains to front yard setback. The applicant is proposing a front yard setback of 6.89m (approx. 22.60ft) to the porch stairs where a minimum front yard setback of 7.40m (approx. 24.28ft) to the porch stairs is required. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. While a variance to the porch stairs is required, staff is not concerned with the variance because the proposed porch does not create any massing concerns, as it is an open structure. Furthermore, the proposed dwelling, excluding the front porch, exceeds the zoning by-law standard for front yard. The proposed front yard setback is generally in line with the neighbouring dwellings and presents a consistent streetscape.

Variance #3 pertains to combined width of side yards. The applicant is proposing a combined width of side yards of 4.21m (approx. 13.81ft), where a minimum combined yard width of 8.03m (approx. 26.35ft) 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.

Variance #4 pertains to a walkway attachment. The applicant is proposing a walkway attachment of 4.4m (approx. 14.45ft), when a maximum walkway attachment of 1.5m (approx. 4.92ft) is permitted. The intent of this portion of the bylaw is to provide a convenient surface for pedestrians (not vehicles) and assists in defining an entryway to a dwelling. While the walkway attachment appears to be excessive, the attachment is not able to accommodate a vehicle as the walkway is only 2.14m (approx. 7.02ft) deep. After 2.14m (approx. 7.02ft), the walkway width tapers to 1.5m (4.92ft).

As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

Staff are concerned with the dwelling's proposed flat roof height, as it would create a dwelling that would be out of character with the immediate area. Staff are of the opinion that proposed height does not represent orderly development of the lands and is not minor in nature. As such, staff cannot support this variance. Regarding the remaining variances, staff are of the opinion that the variances would not result in any adverse impacts to the character streetscape and maintains the established neighbourhood context. As such, Planning Staff recommends refusal of Variance #1, and has no concerns with the remaining variances.

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-21/068.



Comments Prepared by: Dave Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file SPI 21-68. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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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