

City of Mississauga Department Comments

Date Finalized: 2021-10-12	File(s): A413.21 Ward" 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the variances, as amended. 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 new dwelling proposing:

1. A lot coverage of 30.40% (approx. 318.74sq.m or 3,430.89sq.ft) whereas By-law 0225-2007, as amended, requires a maximum lot coverage of 30.00% (approx. 313.92sq.m or 3,379.01sq.ft) in this instance;
2. An above grade gross floor area of 445.51sq.m (approx. 4795.43sq.ft) whereas By-law 0225-2007, as amended, requires a maximum above grade gross floor area of 399.28sq.m (approx. 4297.81sq.ft) in this instance;
3. A rear yard measured to an eave overhang of 2.38m (approx. 7.81ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to an eave overhang of 2.55m (approx. 8.37ft) in this instance;
4. A rear yard setback of 2.99m (approx. 9.81ft) to the dwelling wall whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 3.00m (approx. 9.84ft) to the dwelling wall in this instance;
5. An exterior side yard setback of 5.99m (approx. 19.65ft) to the garage face whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 7.50m (approx. 24.61ft) to the garage face in this instance;
6. An exterior side yard setback of 5.99m (approx. 19.65ft) to the dwelling face whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) to the dwelling face in this instance;
7. An exterior side yard setback of 5.39m (approx. 17.68ft) to the eave overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05m (approx. 23.13ft) to the eave overhang in this instance;
8. An exterior side yard setback of 4.49m (approx. 14.73ft) to the porch stairs whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.90m (approx. 19.36ft) to the porch stairs in this instance;
9. A dwelling height of 10.09m (approx. 33.10ft) from the average grade to the roof ridge

whereas By-law 0225-2007, as amended, requires a maximum dwelling height of 9.50m (approx. 31.17ft) to the roof ridge in this instance;

10. A dwelling height of 7.62m (approx. 25.00ft) from average grade to underside of eaves whereas By-law 0225-2007, as amended, requires a maximum dwelling height of 6.40m (approx. 21.00ft) from average grade to underside of eaves in this instance;

11. A 0.914m (approx. 2.999ft) garage projection whereas By-law 0225-2007, as amended, requires a 0.000m garage projection in this instance; and

12. A dwelling depth of 21.59m (approx. 70.83ft) whereas By-law 0225-2007, as amended, requires a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

Amendments

The applicant has made revisions to their proposal. As such, staff notes the following variances should be amended as follows:

2. An above grade gross floor area of 437.2sq.m (approx. 4705.98sq.ft) whereas By-law 0225-2007, as amended, requires a maximum above grade gross floor area of 399.28sq.m (approx. 4297.81sq.ft) in this instance;

3. A rear yard measured to an eave overhang of 2.38m (approx. 7.81ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to an eave overhang of 2.55m (approx. 8.37ft) in this instance; 4. A rear yard setback of 2.99m (approx. 9.81ft) to the dwelling

5. An exterior side yard setback of 6.4m (approx. 21ft) to the garage face whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 7.50m (approx. 24.61ft) to the garage face in this instance;

6. An exterior side yard setback of 6.4m (approx. 21ft) to the dwelling face whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) to the dwelling face in this instance;

7. An exterior side yard setback of 5.38m (approx. 17.65ft) to the eave overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05m (approx. 23.13ft) to the eave overhang in this instance;

11. A 0.508m (approx. 1.667ft) garage projection whereas By-law 0225-2007, as amended, requires a 0.000m garage projection in this instance;

Background

Property Address: 1022 Caldwell Avenue

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

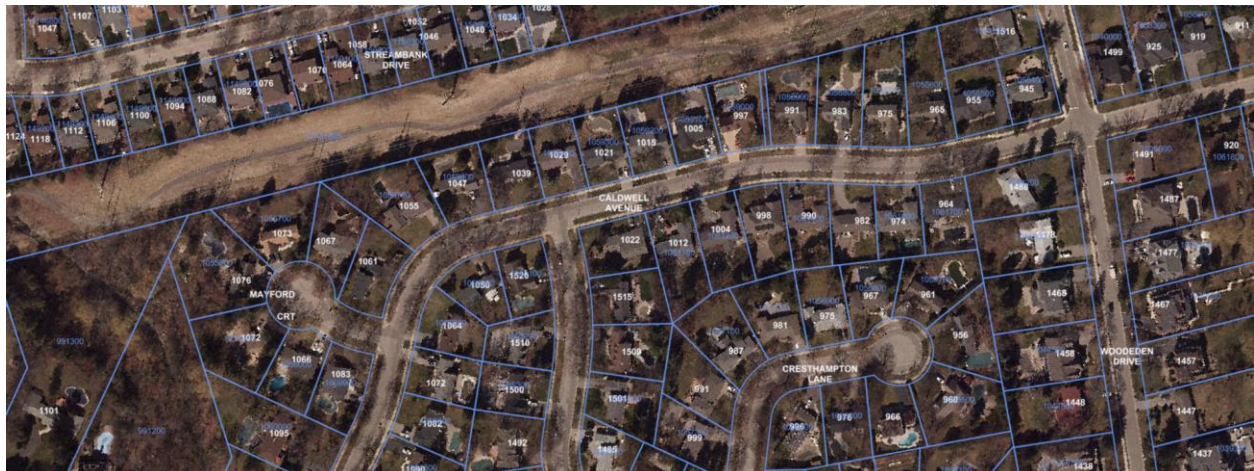
Zoning: R2-4

Planning Applications: Site Plan Infill SPI – 21-52 W2

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood, northwest of Indian Road and Tecumseh Park Drive. The neighbourhood is entirely residential consisting of one and two storey detached dwellings on lots with mature vegetation in the front and side yards. The subject property is a one storey detached dwelling with mature vegetation in both the front and exterior side yard.

The applicant is proposing a two storey dwelling requiring variances for lot coverage, gross floor area, rear and exterior side yard setbacks, dwelling heights, garage projection and dwelling depth.



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:

On October 5, 2021, the applicant's agent submitted revised drawings and variances to staff. Revisions include a reduction in the proposed Garage Projection, GFA, and increase in the proposed exterior side yard setbacks.

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 to ensure that new development has minimal impact on adjacent properties 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 pertains to lot coverage. The applicant has proposed a lot coverage of 30.4%, when a maximum lot coverage of 30% is permitted. This is a minor deviation from the zoning by-law's requirement. As such, staff has no concerns with this variance.

Variances #2, 9 and 10 propose an increased gross floor area, height to the eaves and highest ridge. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing by keeping the dwellings within human scale. By keeping the edge of the roof closer to the ground it will maintain the dwellings human relationship. The requested height variances are attributed to the discrepancy between average and established grade. In this instance, the difference between the average grade and established grade is approximately 0.88m (2.89ft). From a streetscape perspective, the proposed ridge height would be consistent with the by-law if the height were to be measured from established grade. For the eave height, the increased height would represent only a minor deviation from the maximum permitted in the zoning by-law. Furthermore, by incorporating the second storey in the roof structure and adding gables to the roofline, the proposed architectural design features minimize the overall height and massing impact of the proposed dwelling. Additionally, the dwelling contains a staggered front façade, further mitigating the visual massing of the dwelling. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variances #3 and 4 pertain to rear yard setbacks. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Staff is of the opinion that the proposed rear yard setbacks are a minor deviation from the minimum rear yard requirement in the zoning by-law. Furthermore, the rear yard setbacks ensures that an adequate amenity area is accommodated in the rear yard and provides an adequate buffer between the dwelling and adjoining properties.

Variances #5, 6, 7 and 8 pertain to exterior side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties. Lastly, the wide municipal boulevard adds an additional buffer, which further mitigates any potential impacts created by the reduced exterior side yard setback.

Variance #11 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. The proposed increase is marginal and the proposed covered porch further assists by softening the garage projection's impact.

Variance #12 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. Staff are not concerned with the proposed dwelling depth, as the north and south walls of the dwelling contains architectural elements that breakup the overall dwelling's massing. Therefore, staff are of the opinion that the massing impacts to the adjacent property would be negligible.

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?

The proposed dwelling includes architectural features that breaks up the overall massing and height of the dwelling. Additionally, the dwelling contains a staggered front façade that would further mitigate the visual massing of the dwelling. The proposal is consistent with newer two storey dwellings within the immediate area and does not pose a negative impact to the streetscape character.

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-21/052.





Comments Prepared by: Dave Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SPI 21-52 W2. Based on review of the information currently available in this permit application, we advise that the following variance should be amended as follows:

7. An exterior side yard setback of 5.38m (approx.17.65ft) to the eave overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05m (approx. 23.13ft) to the eave overhang in this instance;

In addition, based on the review of the information currently available in this site plan application, we also advise that more information is required in order to verify the accuracy of the remaining requested variance(s) or determine whether additional variance(s) will be required.

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: Jeanine Benitez, Zoning Examiner