

City of Mississauga Department Comments

Date Finalized: 2021-10-27	File(s): A454.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the proposed dwelling to reduce the height.

Application Details

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

1. A lot coverage of 26.59% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A gross floor area of 414.98sq.m (approx. 4,466.81sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 364.82sq.m (approx. 3,926.89sq.ft) in this instance;
3. A height of flat roof of 9.31m (approx. 30.54ft) whereas By-law 0225-2007, as amended, requires a maximum height of flat roof of 7.50m (approx. 24.61ft) in this instance;
4. A height measured to the eaves of 7.71m (approx. 25.30ft) whereas By-law 0225-2007, as amended, requires a maximum height measure to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard setback of 6.14m (approx. 20.14ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
6. A front yard setback of 5.54m (approx. 18.18ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
7. A front yard setback of 6.17m (approx. 20.24ft) to the eaves overhang, whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.05m (approx. 23.13ft) in this instance;
8. A rear yard setback of 5.16m (approx. 16.93ft) to the dwelling basement whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
9. A rear yard setback of 7.17m (approx. 23.52ft) to the dwelling second floor whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft)

in this instance;

10. A rear yard setback of 5.16m (approx. 16.93ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;

11. A rear yard setback of 5.32m (approx. 17.45ft) to the below grade stairwell whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;

12. A rear yard setback of 6.56m (approx. 21.52ft) to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05m (approx. 23.13ft) in this instance; and

13. A rear yard setback of 5.16m (approx. 16.93ft) to the balcony whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 43 Joymar Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

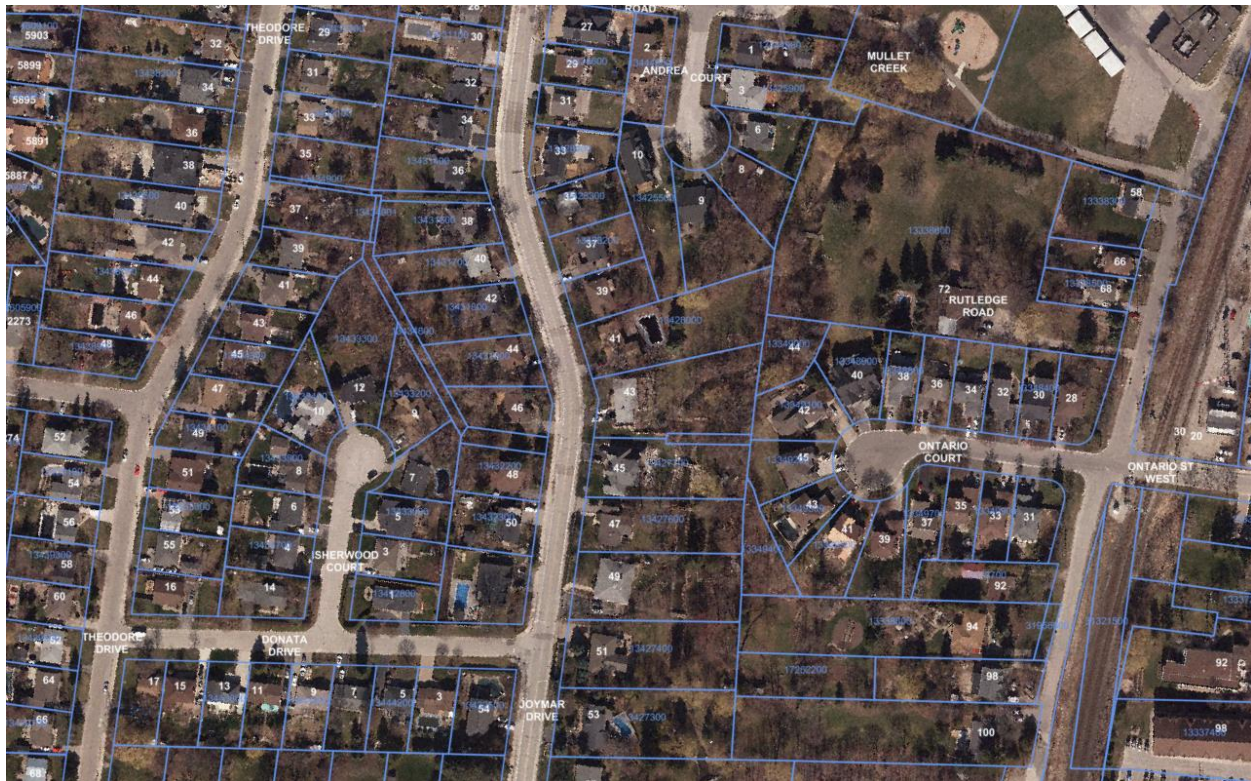
Zoning: R2-50 - Residential

Other Applications: PREAPP 21-4817

Site and Area Context

The subject property is located south-west of the Queen Street South and Britannia Road West intersection in the Streetsville neighbourhood. It contains a detached dwelling with an attached garage and mature vegetation in both the front and rear yards. The property has a lot area of +/- 2,343.28m² (25,222.86ft²) and has a portion of the Mullet Creek running through the property. The surrounding context consists exclusively of detached dwellings on lots of varying sizes.

The applicant is proposing a new detached dwelling requiring variances for lot coverage, floor area, height, and front and rear setbacks.



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 located in the Streetsville Neighbourhood Character Area and is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The residential designation permits detached dwellings whereas the Greenlands portion of the property does not permit residential development. 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. While the proposed detached dwelling does meet the permissions of the Official Plan, staff are concerned that the proposed height is not compatible

with the surrounding context. Staff are therefore of the opinion that variances 1, 2, and 5-13 maintain the general intent and purpose of the Official Plan whereas variances 3 and 4 do not.

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

Variances 1 and 2 request increases in the lot coverage and gross floor area. The intent of these provisions in the by-law is to prevent overdevelopment of the lot and maintain compatibility between existing dwellings, new dwellings, and the planned character of the neighbourhood. The subject property is quite large, however over 50% of the lot area is zoned G1 and therefore is not included in the permitted lot coverage and gross floor area calculations. Staff are of the opinion that the proposed is appropriately sized and situated on the subject property, minimizing any potential impact. Staff are of the opinion that these variances maintain the general intent and purpose of the Zoning By-law.

Variances 3 and 4 request increased heights for both a flat roof and the eaves. The intent of restricting overall height and eaves height is to lessen the visual massing of dwelling while bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. While staff appreciate that the property's Average Grade is 0.92 metres (3.02 feet) below the finished grade at the front of the dwelling, staff note that the grade from the centreline of the street is also 0.90 metres (2.95 feet) below the finished grade at the front of the dwelling. This change in grade from the street to the front of the dwelling will exacerbate the height from the streetscape. Staff are of the opinion that the dwelling will have inappropriate massing and a pronounced impact on the streetscape, and therefore variances 3 and 4 do not maintain the general intent and purpose of the Zoning By-law.

The remaining variances, numbers 5 through 13, request a series of reduced setbacks for the front and rear yards. Relief has not been requested for either side yard. The intent of front yard regulations are to ensure a consistent character along the streetscape and sufficient front yard space within a neighbourhood. Rear yard regulations are to ensure both an adequate buffer between the massing of primary structures on adjoining properties and that an appropriate amenity area is created in the rear yard. Staff note that the front yard requests are mostly measured to a pinch point due to the shape of the front lot line, and that the dwelling remains in an appropriate line with the surrounding dwellings. Regarding the rear yard requests, staff note that the measurements are taken to the G1 zone rather than the rear lot line of the subject property. While the By-law does not permit the G1 area to be used in coverage or gross floor area calculations it does provide amenity area and a significant rear yard buffer. Staff are satisfied that variances 5 through 13 maintain the general intent and purpose of the Zoning By-law.

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

While staff are satisfied that variances 1, 2, and 5-13 are minor in nature and represent appropriate development, staff have concerns regarding variances 3 and 4. Staff are of the opinion that variances 3 and 4, as currently requested, create impacts that are not minor in nature and therefore the dwelling should be redesigned to reduce the proposed height.

Appendices

Appendix 1 – Transportation and Works Comments

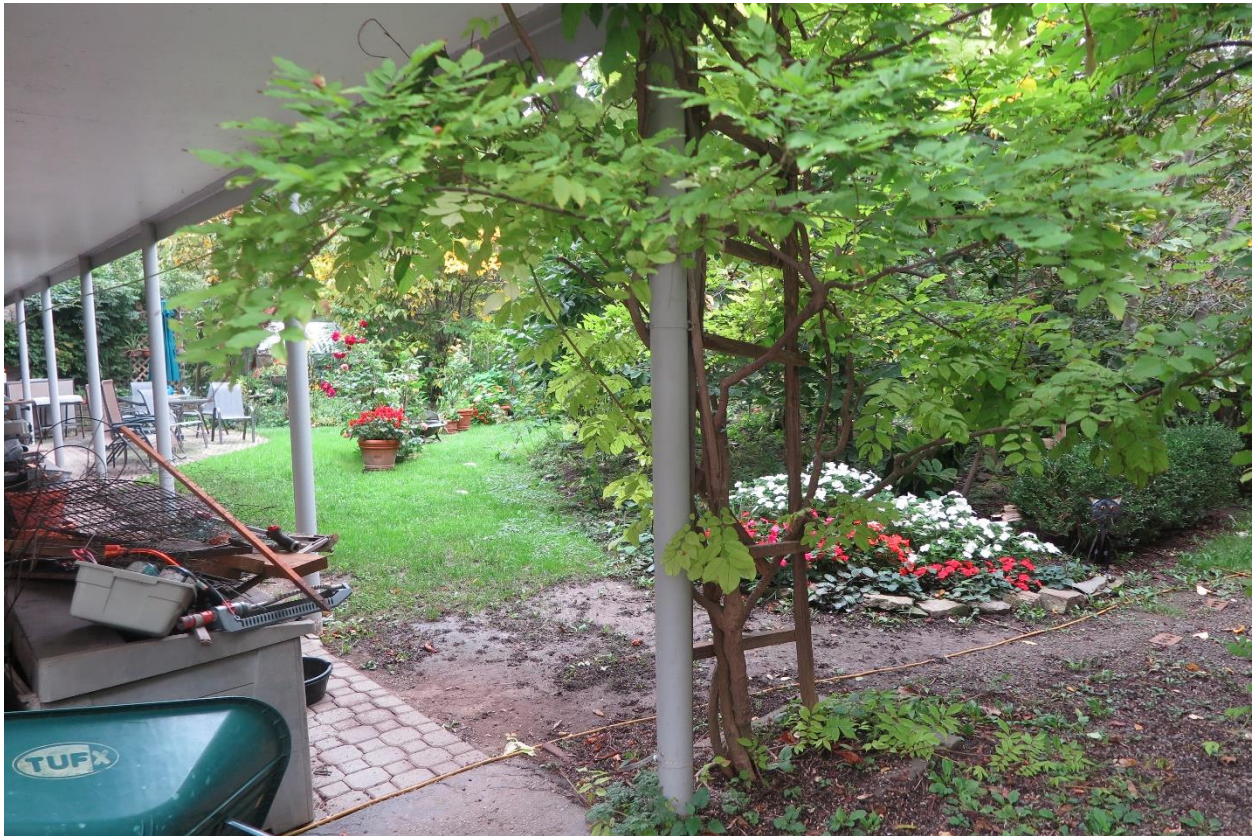
We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the subject property will be addressed through the Building Permit process.

From the enclosed photos and information depicted on the Site Plan DWG A1.1 it is clearly evident that this property does have a number of constraints. In particular we note that there is a watercourse within a 6.10M easement to the rear of the proposed dwelling identified as "In ST6347" which traverses the property. In addition a significant portion of the lands to the rear have a "G1" Zoning. The "Meander Belt Line" is also depicted on the plan which we understand was part of a study prepared by Beacon Environmental Limited dated January 2021 (Project # 219516).

Across the southerly property limits there is a Municipal Storm Sewer Easement identified as Part 2 on Plan 43R-6145. Note that this easement is combined with Part 1 on Plan 43R-6145 which is on the abutting property to the south. It is also our understanding that this easement (Parts 1 & 2, Plan 43R-6145) may also contain a sanitary sewer within the easement.

We have identified the above noted Easements/Restrictions to advise the applicant that any proposed new dwelling will not be permitted to encroach into the limits of any of the identified easements, including any footings/foundations.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-4817. Based on review of the information currently available in this permit application, the variances, as requested are correct, except that more information is needed in order to verify the following variance(s):

12. A rear yard setback of 6.56m (approx. 21.52ft) to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05m (approx. 23.13ft) in this instance;

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: Brandon Eidner, Zoning Examiner

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 Jim Graham Park (P-252).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

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