

# City of Mississauga Department Comments

Date Finalized: 2021-11-02	File(s): A455.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-11-11 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## 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 40.8% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. An interior side yard setback of 1.21m (approx. 3.97ft) on the west side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance; and
3. An interior side yard of 1.21m (approx. 3.97ft) on the east side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance.

### Amendments:

The Building Department is currently processing a Site Plan Infill application under file SPI 21-103 W2. Based on review of the information currently available in this permit application, the following variances should be amended as follows:

2. An interior side yard setback of 1.21m (approx. 3.97ft) to the second storey on the west side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance; and
3. An interior side yard of 1.21m (approx. 3.97ft) to the second storey on the east side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance.

## Background

**Property Address:** 2214 Utley Road

### Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Truscott Drive and Southdown Road. The neighbourhood is entirely residential consisting of older one and two storey-detached dwellings on lots with mature vegetation in the front yards. The subject property and abutting properties to the east and west are vacant with limited landscaping. Abutting the subject property to the south is a municipal park, known as Willow Glen Park.

The application proposes construction of a new two storey dwelling requiring variances for interior side yards and lot coverage.



## 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 are as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages.

Variance #1 pertains to lot coverage. The intent of the lot coverage provision in the Zoning By-law is to ensure that the lot is not overdeveloped to the detriment of the streetscape and neighbouring properties. Upon review of the drawings, staff note that proposed dwelling's footprint accounts for 36.5% of the total lot coverage, exceeding the 35% permitted on the subject property. The remaining lot coverage is attributed to the covered rear patio. This variance is a direct result of the inadequate side yard setbacks proposed. The proposed lot coverage is of concern to staff as it represents an overdevelopment of the lot.

Variances #2 and #3 pertain to side yard setbacks. 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. While the applicant is proposing side yard setbacks of 1.21m (approx. 3.97ft) from the interior lot lines, staff note that the side yards contain multiple window wells that are setback 0.61m (approx. 2.00ft) the interior lot lines. Staff is of the opinion that the window wells will impact the owner's ability to access the rear yard. Staff is also of the opinion that the reduced side yard setbacks are required to accommodate a dwelling that would represent an overdevelopment of the lot. The reduced side yard setbacks to the second storey would not provide an adequate buffer between the proposed dwelling and future dwellings on the adjacent lots.

As such, staff recommend deferral of the application to allow the applicant to redesign the dwelling.

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-21/103.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-103 W2. Based on review of the information currently available in this permit application, the following variance(s), as requested are correct.

1. A lot coverage of 40.8% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;

The following variances should be amended as follows:

2. An interior side yard setback of 1.21m (approx. 3.97ft) to the second storey on the west side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance; and
3. An interior side yard of 1.21m (approx. 3.97ft) to the second storey on the east side whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.81m (approx. 5.94ft) in this instance.

We also advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above site plan application which was submitted on 2021/07/05 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