

City of Mississauga Department Comments

Date Finalized: 2021-11-23	File(s): A476.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 a new dwelling proposing:

1. A lot coverage of 30.62% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A front yard setback of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
3. A side yard canopy encroachment of 3.38m (approx. 11.09ft) in the side yard whereas By-law 0225-2007, as amended, permits a maximum side yard canopy encroachment of 0.45m (approx. 1.48ft) in this instance;
4. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A westerly interior side yard setback of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 4.20m (approx. 13.78ft) in this instance; and
6. A porch encroachment of 2.4m (approx. 7.87ft) into the front yard whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.6m (approx. 5.25ft) into a front yard in this instance.

Background

Property Address: 2076 Shawanaga Terrace

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 - Residential

Other Applications

Pre-Application Zoning Review – 21-6596

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southeast of Spring Bank Road and Mississauga Road. The area consists of one and two storey single detached dwellings with mature vegetation in the front and rear yards. The subject property contains a one storey detached dwelling with mature vegetation in the front yard.

The application proposes an addition requiring variances related to lot coverage, front yard setback, side yard canopy and porch encroachments and interior side yards.



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 I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings.

Variance #1 pertains to lot coverage. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. The applicant is proposing a lot coverage of 30.62% when a maximum lot coverage of 25% is permitted. In this instance, the dwelling footprint maintains a lot coverage of approximately 23%, which is less than the maximum permitted under the by-law. The portion of the lot coverage that exceeds the by-law is only attributable to a portion of the 2nd floor that extends over the walkout stairs, a covered deck on the 1st floor, a 1st floor front porch canopy, a portion of the 2nd floor overhang, a feature wall and an existing pool equipment shed. These elements do not add significant massing to the overall dwelling from what is currently permitted. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 pertains to front yard setback. The applicant has proposed a front yard setback of 11.43m (37.50ft) where a minimum front yard setback of 12.00m (39.37ft) is required. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Furthermore, the front yard setback is only required because of the proposed porch. This variance raises no concerns of a planning nature.

Variances #3 and 6 pertain to encroachments. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines. Staff is of the opinion that the encroachment variances do not raise any concerns of a planning nature.

Variances #4 and 5 pertain to interior side yards. The applicant is proposing an easterly interior side yard setback of 1.22m (4.00ft) where a minimum side yard setback of 1.80m (5.91ft) is required, and a westerly interior side yard setback of 1.85m (6.07ft) where a minimum side yard setback of 4.20m (13.78ft). 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 have no concerns with these variances, as the proposed side yards 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 found in the immediate neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning 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 dwelling will be addressed through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-6596. Based on review of the information currently available for this building permit, we advise that the variances are correct, however the following variance(s) should be amended as follows:

Variances 4 and 5 should be combined and revised as follows;

4. An easterly interior side yard setback of 1.22m (approx. 4.00ft) and a westerly interior side yard setback of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) on one side of the dwelling and 4.20m (approx. 13.78ft) on the other side, in this instance;

Our comments are based on the plans received by Zoning staff on 06/16/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner