

# City of Mississauga Department Comments

Date Finalized: 2021-11-23	File(s): A500.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 1:00:00 PM

## Consolidated Recommendation

The City has no objection to variances #1, 3 and 4. However, staff recommends refusal of variance #2. 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 of a new dwelling proposing:

1. A gross floor area of 469.12sq.m (approx. 5,049.57sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 426.88sq.m (approx. 4,594.90sq.ft) in this instance;
2. A driveway width of 11.0m (approx. 36.1ft) for the portion of the driveway within 6.0m of the garage face whereas By-law 0225-2007, as amended, requires a maximum driveway width of 10.5m (approx. 34.4ft) for the portion of a driveway within 6.0m of a garage face in this instance; and,
3. A height of eaves of 6.7m (approx. 22.0ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4m (approx. 21.0ft) in this instance.

## Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-117 W2. Based on review of the information currently available in this permit application, the Department advises that the following variance(s) be added as follows:

4. A reduced exterior side yard setback of 7.18m (approx. 23.56ft) to the dwelling (portico) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.5m (approx. 24.61ft) in this instance.

## Background

**Property Address:** 1433 Aldo Drive

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-5 - Residential

### Other Applications:

Pre-Application Zoning Review 21-6650

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Indian Road and Lorne Park Road. The immediate neighbourhood contains an eclectic mix of newer and older one and two storey-detached dwellings on large lots with mature vegetation in the front yards. The subject property is a corner lot and contains a one-storey detached dwelling with mature vegetation in the front yard.

The application proposes the construction of a new dwelling, requiring variances related to gross floor area, driveway width and eave height.



## 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 site is located within the Clarkson-Lorne Park Neighbourhood, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings. 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. The proposed detached dwelling is permitted within this designation. The proposed increase to the dwelling's gross floor area and eave height would create a dwelling that is consistent with newer two storey dwellings in the immediate area. Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

Variance #1 pertains to gross floor area. The applicant proposes a gross floor area of 469.12m<sup>2</sup> (5,049.57ft<sup>2</sup>) where a maximum gross floor area of 426.88m<sup>2</sup> (4,594.90ft<sup>2</sup>) is permitted. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings thereby preserving the existing and planned character of a neighbourhood. The proposed dwelling contains architectural features, which define the first and second storey of the dwelling which breaks -up the dwelling's overall massing. This results in an overall massing that is reflective of the neighbouring properties and community at large. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 pertains to driveway width. Under the Zoning By-law the maximum driveway width permitted on a property of this size, is 10.5 metres (34.45 ft.) within 6 metres (19.69 ft.) of the garage face if it provides direct access to the garage and 8.5 metres (27.89 ft.) beyond 6 metres (19.69 ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3 car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. The subject property's driveway width represents a significant amount of hardscaping and widened driveways that are not common in the immediate area. Furthermore it is the opinion of staff that the hardscaping presents a significant impact to the streetscape.

Variance #3 pertains to the height of the eaves. The intent of restricting height is to lessen the visual massing of the dwelling thereby keeping the dwelling at a human scale. The proposed increase in eave height does not have any significant impact on the massing of the dwelling. Furthermore staff note that an overall height variance has not been requested, which helps keep the building massing within an appropriate scale.

Variance #4 pertains to an exterior side yard setback. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard remains unencumbered. Lastly, the wide municipal boulevard adds an additional buffer to further mitigate any potential impacts created by the reduced exterior side yard setback.

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

Upon review of the application, staff are satisfied that variances #1, 3 and 4 of the proposal represents appropriate development of the subject lands. These variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area. However, staff are concerned that variance #2 poses a significant amount of hardscaping on the property and is not compatible with other driveways found in the immediate area.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed under Site Plan Application SP-21/117.

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 21-117 W2. Based on review of the information currently available in this permit application, the following variance(s) are correct:

3. A height of eaves of 6.7m (approx. 22.0ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4m (approx. 21.0ft) in this instance.

In addition, we advise that the following variance(s) be added as follows:

4. A reduced exterior side yard setback of 7.18m (approx. 23.56ft) to the dwelling (portico) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.5m (approx. 24.61ft) in this instance.

We advise that more information is required in order to verify the remaining variances not listed above.

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