

City of Mississauga Department Comments

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| Date Finalized: 2021-11-30 | File(s): A538.21 |
| To: Committee of Adjustment | Ward: 1 |
| From: Committee of Adjustment Coordinator | Meeting date:2021-12-09 1:00:00 PM |

Consolidated Recommendation

The City has no objection to the minor variance application. 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 lot coverage of 37.0% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. A lot area of 418.63sq.m (approx. 4,506.10sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot frontage of 10.36m (approx. 33.99ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49.21ft) in this instance;
4. An interior side yard setback (easterly) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. An interior side yard setback (westerly) of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
6. A height of eaves of 6.9m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4m (approx. 21.0ft) measured from average grade to lower edge of the eaves in this instance.

Background

Property Address: 1094 Westmount Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

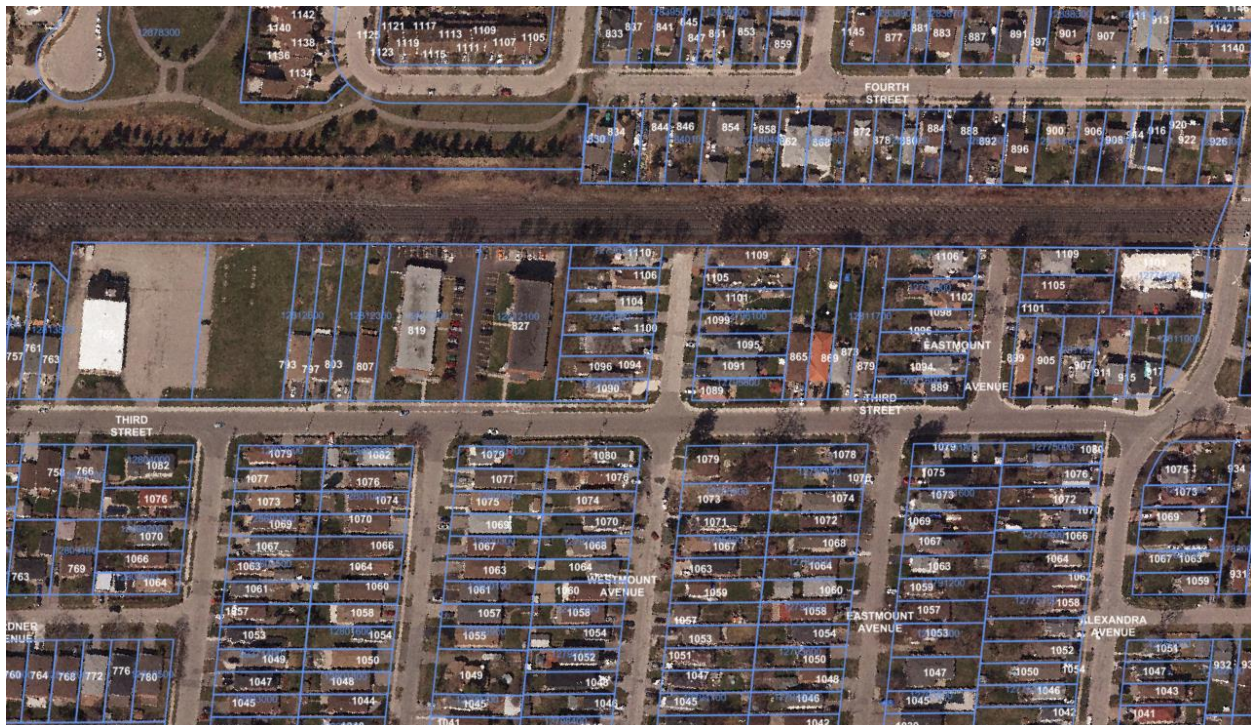
Other Applications:

Building Permit – BP 9NEW 21-8388

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The immediate neighbourhood is entirely residential, consisting of a mix of one, two and three storey-detached dwellings and three storey apartment buildings with minimal vegetation in the front yards. The subject property contains an existing one-storey dwelling with minimal vegetation in the front yard.

The applicant is proposing a new two-storey dwelling that requires variances related to lot area, coverage, frontage, interior side yard setbacks 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 subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, 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 dwelling conforms to the designation and staff are of the opinion that the proposed built form appropriately balances the planned character of the area and the existing built form of the surrounding context. Staff are satisfied that the general intent and purpose of the Official Plan are maintained.

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

Variance #1 proposes a lot coverage of 37%, where a maximum of 35% is permitted. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. Staff has no concerns with this variance, as it represents a marginal increase from what is currently permitted, and this variance raises no concerns of a planning nature.

Variance #2 proposes a gross floor area of 418.63m² (4,506.10ft²) while the by-law permits a maximum of 550m² (5,920.15ft²). The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved and that there is not an over development of the lot. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. The proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the establish neighbourhood character.

Variance #3 proposes a lot frontage of 10.36m (33.99ft) while the by-law requires a minimum lot frontage of 15.0m (49.21ft). The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff have no concerns with this variance, as the applicant is not proposing the creation of a new lot. The frontage proposed is existing and lots in the immediate area have similar frontages.

Variances #4 and 5 propose an interior side yard setback (easterly) of 1.22m (4.00ft) and an interior side yard setback (westerly) of 1.25m (4.10ft) where the by-law requires a minimum interior side yard setback of 1.81m (5.94ft). 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 is not concerned with this variance, as the side yards proposed 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 in the immediate neighbourhood.

Variance #6 proposes an eave height of 6.9m (22.64ft) where 6.40m (21.00ft) is permitted. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement.

Given the above, staff are satisfied that the application maintains 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?

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The 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.

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 Building Permit process, File BP 9NEW-21/8388.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 21-8388. Based on review of the information currently available in this permit application on October 6th, 2021, variances 1, 4, 5 and 6, as requested are correct.

Note 1: Zoning has no concern/not reviewed the sufficiency of the existing lot area and lot frontage (variances#2 and #3) as the lot is not vacant and the BP 21-8388 includes the demolition of the existing house.

Note 2: More information is required for the sufficiency of the parking spaces for the main and second unit, as three parking spaces are 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: Sherri Takaloo, Zoning Examiner