

City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A353.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 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.

Application Details

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

1. An eave encroachment into the required interior side yard of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;
2. A roof encroachment of 1.31m (approx. 4.30ft) into the required exterior side yard whereas By-law 0225-2007, as amended, permits a maximum roof encroachment of 0.45m (approx. 1.48ft) in this instance;
3. A flat roof height of 7.93m (approx. 26.02ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
4. A gross floor area of 410.61sq.m (approx. 4,419.77sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 374.14sq.m (approx. 4027.21sq.ft) in this instance;
5. A lot coverage of 34.8% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% in this instance;
6. An interior side yard of 2.16m (approx. 7.09ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.0m (approx. 9.84ft) in this instance;
7. An exterior side yard of 6.74m (approx. 22.11ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.61ft) in this instance;
8. A window well encroachment into the required exterior side yard of 1.41m (approx. 4.63ft) whereas By-law 0225-2007, as amended, permits a maximum widow well encroachment of 0.61m (approx. 2.00ft) in this instance;
9. An eave height of 7.06m (approx. 23.16ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;

10. A rear yard setback of 0.61m (approx. 2.00ft) to the shed whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance; and
11. An interior side yard setback of 0.61m (approx. 2.00ft) to the shed whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

1. An eave encroachment into the required interior side yard of 1.70m whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;

8. A window well encroachment into the required exterior side yard of 1.14m whereas By-law 0225-2007, as amended, permits a maximum widow well encroachment of 0.61m (approx. 2.00ft) in this instance;

Background

Property Address: 1143 Kane Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

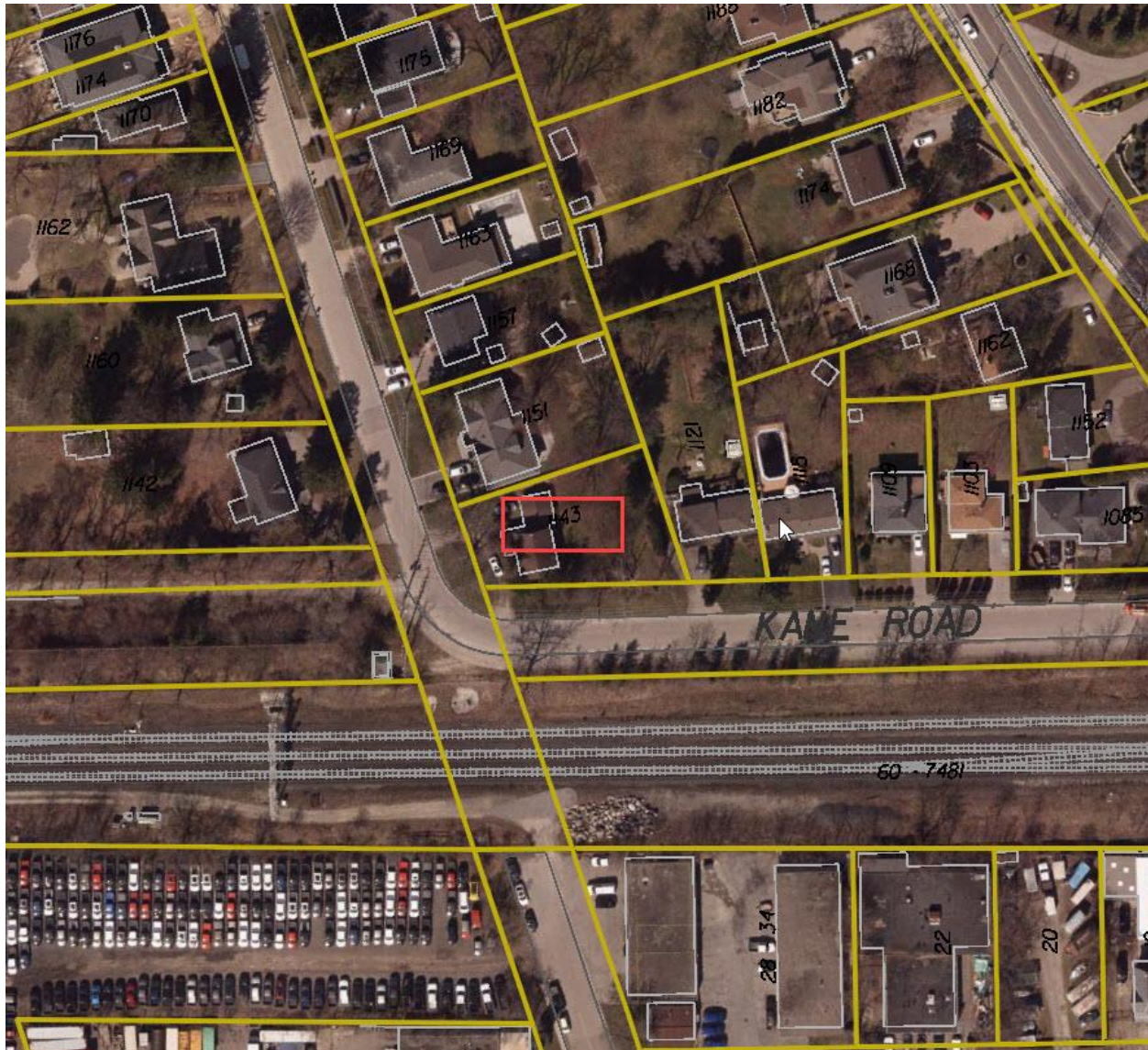
Zoning: R2-1 - Residential

Other Applications: Pre-Zoning Application (No. Unknown)

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Indian Road and Mississauga Road, directly north of the CN railway. The immediate area consists of a mix of detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains an existing two-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to eave, window well and roof encroachment; flat roof and eave heights; gross floor area; lot coverage; interior and exterior side yards and rear yard.



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 Committee of Adjustment previously deferred the above noted application on September 4th, 2021. Staff identified concerns with the applicant's proposed gross floor area and circular driveway in their report dated November 26th, 2021. Furthermore, Staff had no concerns with the remaining variances.

The applicant has removed the proposed circular driveway and associated variances, and has reduced the gross floor area from 435.38m² (4,686.41ft²) to 410.61m² (4,419.77ft²). The reduced gross floor area has also reduced the eave and roof encroachments, lot coverage and exterior side yard. The interior side yard and window well encroachments have also increased. The remaining variances remain the same.

Planning Staff has no concerns with the applicant's new proposal. The applicant has mitigated Staff's concerns by reducing the proposed dwelling's gross floor area and removing the proposed circular driveway. The new gross floor area proposed maintains compatibility between the existing dwellings on the street and preserves the established character of the neighbourhood. The remaining variances continue to be of no concern to Planning staff.

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 Site Plan Application process, File SPM-21/057.

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 21-57. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

1. An eave encroachment into the required interior side yard of 1.70m whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx. 1.48ft) in this instance;

8. A window well encroachment into the required exterior side yard of 1.14m whereas By-law 0225-2007, as amended, permits a maximum widow well encroachment of 0.61m (approx. 2.00ft) in this instance;

Our comments are based on the plans received by Zoning staff on 10/08/2021 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