

City of Mississauga Department Comments

Date Finalized: 2021-12-22	File(s): A560.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variance, as requested. 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 37.8% (approx. 263.68sq.m or 2,838.23sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% (approx. 244.24sq.m or 2,628.98sq.ft) in this instance;
2. A gross floor area of 363.11sq.m (approx. 3,908.48sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 329.57sq.m (approx. 3,526.15sq.ft) in this instance;
3. A walkway attached to the driveway with an attachment width of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, permits a walkway attached to a driveway with a maximum attachment width of 1.50m (approx. 4.92ft) in this instance;
4. A height of eaves of 7.09m (approx. 23.26ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard setback of 5.71m (approx. 18.74ft) to the porch inclusive of stairs whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) to a porch inclusive of stairs in this instance;
6. An interior side yard setback (easterly) of 1.21m (approx. 3.97ft) to the 2nd storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
7. An interior side yard setback (westerly) of 1.21m (approx. 3.97ft) to the 2nd storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
8. A combined width of side yards of 2.42m (approx. 7.94ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.80m (approx. 12.47ft) in this instance; and

9. A side yard setback of 1.22m (approx. 4.00ft) to the outdoor swimming pool whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50m (approx. 4.92ft) to an outdoor swimming pool from all lot lines in this instance.

Background

Property Address: 74 Veronica Dr

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

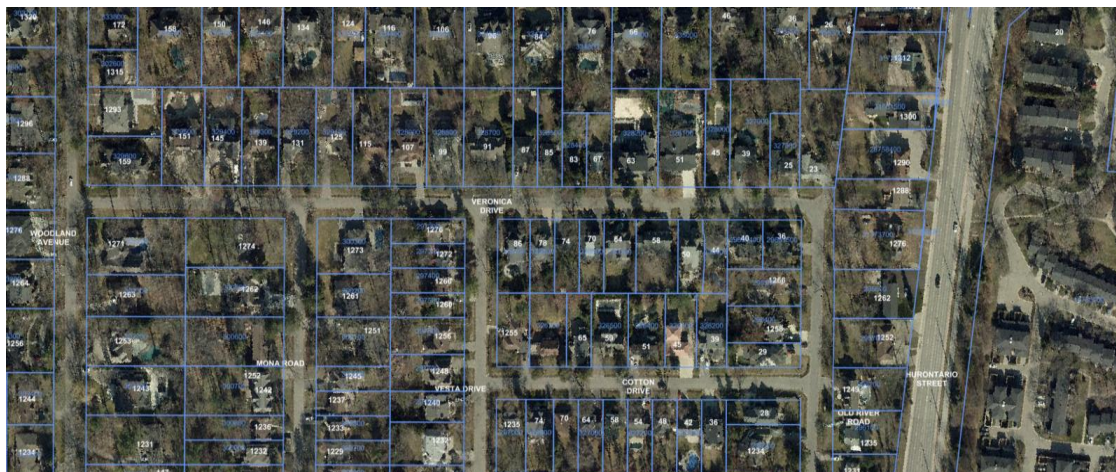
Zoning: R3-1 - Residential

Other Applications: Tree Permit - TRP 21-130, Preliminary Application Zoning Review – PREAPP 21-6901

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Mineola Road West. The immediate area consists of older and newer one and two storey-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 a walkway attachment; lot coverage; gross floor area; eave height; front, interior and combined side yard setbacks.



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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. As per Section 16.18.1.1 (Infill Housing) of the Mineola Neighbourhood Character policies, new housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours with respect to overshadowing and overlook. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character of the streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 proposes a lot coverage of 37.8%, 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. In this instance, the dwelling footprint maintains a lot coverage of approximately 28%, 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 the front porch, rear walkout and patio. The front porch, rear walkout and patio do not add significant massing to the overall dwelling from what is currently permitted.

Variances #2 and 4 propose an increased gross floor area and height to the eaves. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling incorporates architectural features, such as ledges, that break up the first and second storey, thereby minimizing the overall massing in relation to the streetscape and neighbouring properties. Additionally, the dwelling contains a staggered front façade, which further mitigates the overall visual massing of the dwelling. Lastly, 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 pertains to a walkway attachment. The intent of this portion of the bylaw is to provide a convenient surface for pedestrian use (not vehicles) and assists in defining the entryway to the dwelling. While the walkway attachment appears to be excessive, staff is of the opinion that the design and orientation of the walkway would not encourage automobile use, and would be a convenient surface for pedestrian use.

Variances #5, 6, 7 and 8 pertain to front yard and side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed setbacks and front yard are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard is unencumbered. Furthermore, the front yard setback is only required because of the proposed porch inclusive of stairs. The rest of the dwelling will maintain an 8.49m (27.85ft) front yard setback, which is more than the minimum requirement in the zoning by-law.

Variance #9 pertains to outdoor pool setback. The setbacks from a lot line to pool are to ensure that there is sufficient space for any maintenance or repairs to the pool that need to be made without needing to encroach onto a neighbour's property. In addition, in the event there is a major leak, it protects adjacent neighbour's properties in case their foundation is close to the lot line. Transportation and Works (T&W) staff have not raised any objections with the reduced setback. Any potential T&W concerns will be addressed through the future Site Plan Application process. It is staff's opinion that the proposed setback is sympathetic to the surrounding area and does not impact the neighbouring properties.

As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose any negative impact to the neighbourhood. Furthermore, the dwelling's staggered façade and architectural features breaks up the overall massing of the dwelling as a result of the increased gross floor area and building height. The proposed front and side yard setbacks are consistent with setbacks found in the immediate neighbourhood, and provide an adequate buffer to structures on adjoining properties and ensure access to the rear yard is unencumbered. As a result, the proposed dwelling maintains compatibility with newer two storey dwellings in the neighbourhood. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

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 Site Plan Application 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 21-6901. Based on review of the information currently available in this permit application, variances #1, #2, and #5 - #9, as requested are correct, however more information is required in order to verify the accuracy of the remaining requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above preliminary zoning review application submitted on 2021/07/20 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