

City of Mississauga Department Comments

Date Finalized: 2021-12-22	File(s): A365.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 3:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as amended. 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 an addition proposing:

1. A gross floor area of 517.55sq.m (approx. 5,570.86sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 473.09sq.m (approx. 5,092.30ft) in this instance;
2. An existing combined width of side yards of 6.13m (approx. 20.11ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.23m (approx. 27.00ft) in this instance;
3. An interior side yard setback (northerly) of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
4. An existing side yard setback to the exterior staircase of 0.97m (approx. 3.18ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A lot coverage of 25.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.0% in this instance;
6. A height to the underside of eaves of 7.55m (approx. 24.77ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance;
7. A height of 8.9m (approx. 29.2ft) to the flat roof whereas By-law 0225-2007, as amended permits a maximum height of 7.5m (approx. 24.6ft) to a flat roof in this instance;
8. An existing driveway width of 9.98 (approx. 32.74ft) beyond 6m of the garage, whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) beyond 6m of a garage in this instance;

9. Two existing walkway widths attached to the driveway access of 2.26m (approx. 7.41ft) adjacent to the front porch and 3.80m (approx. 12.47ft) adjacent to the west side of the garage whereas By-law 0225-2007, as amended, permits a maximum walkway width attached to a driveway of 1.50m (approx. 4.92ft) in this instance; and,

10. An existing combined width of two points of driveway access of 9.66m (approx. 31.69ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of two points of access of 8.50m (approx. 27.89ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-61. Based on review of the information currently available in this permit application, we advise that additional variances should be added as follows:

11. A circular driveway (existing) cover more than 50% of front yard whereas By-law 0225-2007, as amended, does not permit a circular driveway cover more than 50% of front yard in this instance;

Background

Property Address: 1440 Watersedge Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

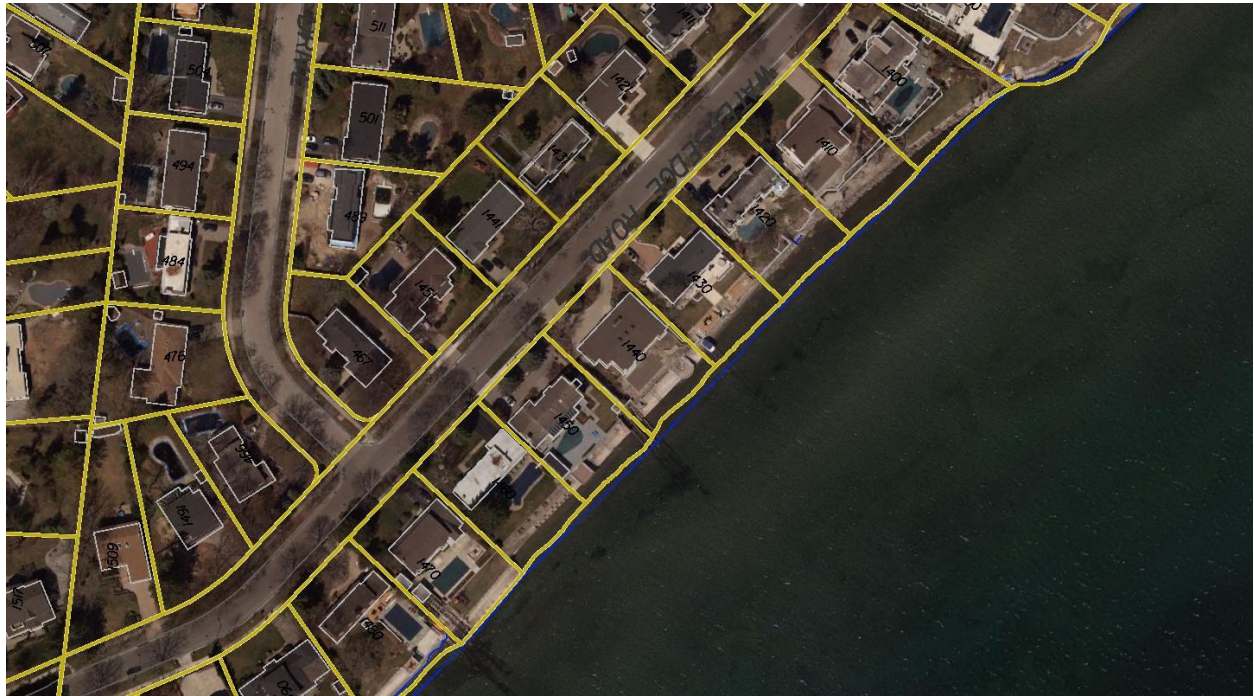
Zoning: R1-2- Residential

Other Applications: Site Plan Approval: SPI 21-61

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lakeshore Road West and Southdown Road. The immediate area consists of a mix of older and newer one and two storey dwellings with mature vegetation in the front yards. The subject property contains an existing one storey dwelling with mature vegetation in the front yard.

The applicant is proposing to construct an addition to the residential dwelling requiring variances related to gross floor area, side yards, lot coverage, building height, and driveway and walkway width.



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 (MOP), which permits detached, semi-detached, duplex dwellings.

This application was previously heard and deferred by the Committee of Adjustment on September 23rd, 2021. Staff noted multiple discrepancies between the submitted drawings and the requested variances in their report dated September 14th, 2021. The applicant has since provided a revised list of variances to address staff's concerns.

Variance #1 pertains to gross floor area. The intent of the zoning by-law regarding gross floor area is to maintain compatibility between existing and newer dwellings, while also ensuring that the existing and planned character of a neighbourhood is preserved. The proposed dwelling

contains architectural features which break up the first and second storey, resulting in the visual of the overall massing of the dwelling being minimized and being compatible with the existing streetscape and neighbouring properties. The proposal does not pose a negative impact to the character of the neighbourhood.

Variances #2, 3 and 4 pertain to side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed setbacks 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.

Variance #5 pertains to lot coverage. The intent of the lot coverage regulation is to ensure that there isn't an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 22.9%, 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 proposed covered porches. The covered porches do not add significant massing to the overall dwelling from what is currently permitted. Furthermore, the proposed variance is a minor deviation from the maximum contained in the zoning by-law.

Variances #6 and #7 pertain to height. The intent of the eave height regulations is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. By lowering the overall pitch of the roof, it keeps the dwelling within a human scale. The intent in restricting building height for a flat roof dwelling is to reduce the overall massing of the dwelling in comparison to a traditional sloped roof dwelling and to minimize any negative impacts to the established streetscape and neighbouring properties. Furthermore, it is intended to restrict large flat roof dwellings that would have permitted a maximum height of 10.70 m (35.11ft), which could accommodate a third storey in the dwelling. The eave and flat roof heights as proposed do not raise any concerns from staff. In this instance, the difference between average grade and finished grade is approximately 0.61m (2ft). From a streetscape perspective, this results in the proposed flat roof having an approximate height of 8.29m (27.2ft) and eave height would be 6.94m (22.77ft). The proposed heights do not accommodate a potential third storey. It is also worth noting that the flat roof does not span the entire dwelling, only a small portion of the dwelling. The rest of the dwelling contains a roof with a pitch. The two roof styles assist in breaking up the dwelling into separate sections architecturally, thereby minimizing the overall massing of the dwelling.

Variances #8, 10 and 11 pertain to the existing driveway. 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 proposal does not require a variance for the driveway width within 6m of the garage face. Only a variance beyond 6m of the garage face is required. The driveway width of 9.98m (32.74ft) is beyond 6m of the garage's face. This width is narrower than the portion of the garage within 6m of the garage's face. Furthermore, the width cannot accommodate more than 3 cars parked side by side. Lastly, the proposed width still ensures a narrower driveway closer to the street in order to mitigate any potential impacts. Staff have no concerns with Variances #10 and 11. According to Zoning staff, the circular driveway

coverage exceeds the 50% maximum permitted by approximately 3%. The driveway is also generally consistent with other driveways found in the immediate neighbourhood. It is worth noting that the driveway is existing and staff have not received any complaints pertaining to the driveway.

Variance #9 pertains to walkway attachments. The intent of this portion of the bylaw is to provide a convenient surface for pedestrian movement (not vehicles) and assist in defining the entryway to a dwelling. While the walkway attachments appears to be excessive, the attachment of 2.26m (7.41ft) is not able of sufficient size to accommodate an additional parked vehicle.. Furthermore, the walkway attachment is not designed in a way that would promote, or be convenient for, automobile use.

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

The proposed dwelling is consistent with new two-storey detached dwellings in the immediate neighbourhood, will not impact the existing streetscape, and does not represent overdevelopment of the lot. Staff are of the opinion that the proposal is minor in nature and represents an appropriate development of the subject lands.

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 current Site Plan application SP-21/061.

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 21-61. Based on review of the information currently available in this permit application, we advise that additional variances should be added as follows:

11. A height of 8.90m (approx. 29.20ft) measured from average grade to highest point of roof whereas By-law 0225-2007, as amended, permits a maximum height of flat roof of 7.50m (approx. 24.61ft) measured from average grade to highest point of a flat roof in this instance;

12. A circular driveway (existing) cover more than 50% of front yard whereas By-law 0225-2007, as amended, does not permit a circular driveway cover more than 50% of front yard in this instance;

13. A combined width (existing) of 9.66m (approx. 31.69ft) for two points of access of circular driveway whereas By-law 0225-2007, as amended, permits a maximum combined width of 8.50m (approx. 27.89ft) for two points of access of a circular driveway in this instance;

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: Alana Zheng, Zoning Examiner