

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A35.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 3:00:00 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. 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 (infill residential) of 324.38sq.m (approx. 3,491.60sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 319.52sq.m (approx. 3,439.28sq.ft) in this instance
2. An eaves height of 6.59m (approx. 21.62ft) measured from average grade to lower edge of the eaves whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) measured from average grade to lower edge of the eaves in this instance;
3. A combined width of side yards of 3.54m (approx. 11.61ft) whereas By-law 0225-2007, as amended, requires a maximum combined width of side yards of 3.60m (approx. 11.81ft) in this instance;
4. An interior side yard setback (southerly) of 1.28m (approx. 4.20ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) to the second storey in this instance; and,
5. An interior side yard setback (southerly) of 1.28m (approx. 4.20ft) to the third storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.42m (approx. 7.94ft) to the third storey in this instance.

Background

Property Address: 1674 Tarn Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications:

Preliminary Zoning Review application under file PREAPP 21-8107

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of the Dixie Road and Queensway East Intersection. Immediately abutting the property to the east is Etobicoke Creek. The surrounding neighbourhood consists of one, one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new addition requiring variances related to gross floor area, eave height and 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 are as follows:

The subject property is located within the Lakeview Neighbourhood Area and is designated Residential Low Density I. This designation permits detached, semi-detached, as well as duplexes.

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 addition 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.

Variance #2 pertains to eave height. The intent of restricting height to the eaves 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 will keep the dwelling within human scale. Staff note that no overall height variance has been requested. Furthermore, the eave height requested is a minor deviation from the zoning by-law's requirement.

Variances #3, 4 and 5 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.

Through a detailed review of the application, staff is of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process. The application raises no concerns of a planning nature.

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 addition will be addressed through the future Building Permit 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 21-8107. Based on review of the information currently available for this building permit, we advise that more information is required to determine whether additional variance(s) will be required with respect to the driveway width.

Furthermore, we note that variances 2, 4, and 5 are correct; and variances 1 and 3 are not required.

Our comments are based on the plans received by Zoning staff on 10/03/2021 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

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

- The lands adjacent to the property are City owned lands, identified as Valley Park (P-040). Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Stockpiling, construction access and encroachment of construction materials in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner