

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A26.22 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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 0.82 times the lot area in the RM5-13 Zone (Residential) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 0.75 times the lot area in the RM5-13 Zone (Residential) in this instance;
2. A lot coverage of 66.19% in the RM5-13 Zone (Residential) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in the RM5-13 Zone (Residential) in this instance;
3. A setback of 0.0m from the deck to the G2-2 Zone (Greenlands) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.0m (approx. 16.4ft) from a deck to a G2-2 Zone (Greenlands) in this instance; and,
4. An interior side yard setback of 1.33m (approx. 4.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1008 Windbrook Grove

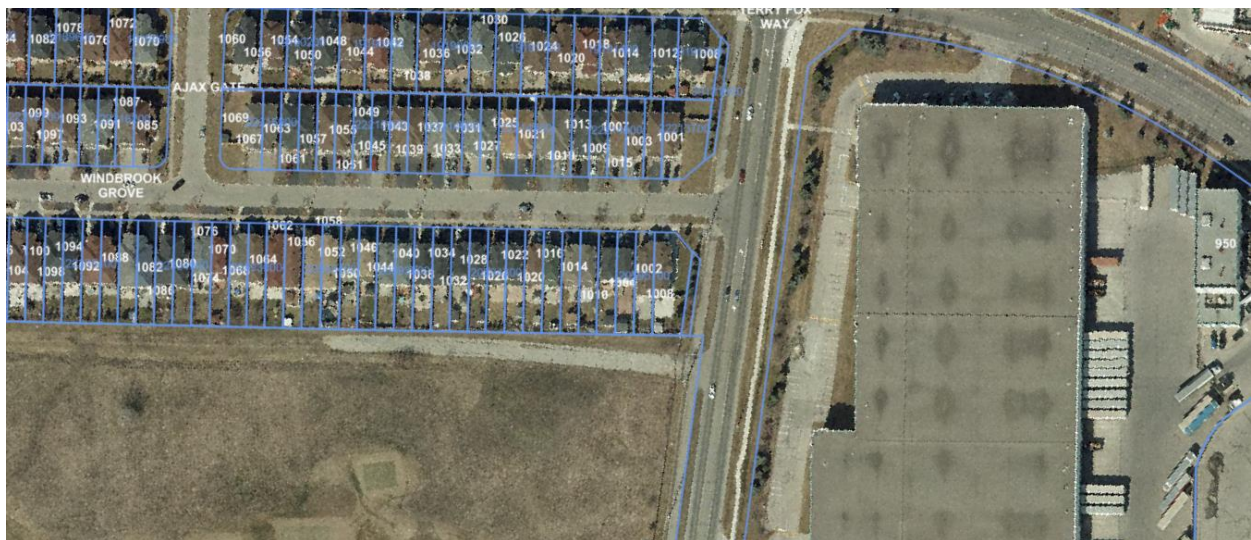
Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007**Zoning: RM5-13 - Residential; G2-2 - Greenlands****Other Applications:** PREAPP 21-8046**Site and Area Context**

The subject property is located on the south side of Windbrook Grove, west of the Terry Fox Way intersection. It contains a two storey link dwelling with a lot frontage of +/- 6.95m (22.8ft) and a lot area of +/- 268.3m² (2,887.4ft²). Limited vegetation and landscaping elements are present on the subject property. The property abuts Brae Ben to the rear, and the larger surrounding area context includes a mix of residential, commercial, and industrial uses.

The applicant is proposing an addition and porch requiring variances for gross floor area, lot coverage, 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 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 East Credit Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). 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 addition maintains the residential use and character of the dwelling and remains generally in line with the property to the east. Staff are therefore of the opinion that the application maintains the general intent and purpose of the Official Plan.

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

Variance 1 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings to ensure the existing and planned character of a neighbourhood is preserved. The requested increase in gross floor area represents an increase of approximately 13.4m² (144ft²) which, when spread out over the 2 storeys, does not create a significant impact on the planned character and, in the opinion of staff, is compatible with adjacent dwellings.

Variance 2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. While the request as written seems significant, staff note that the Zoning By-law does not permit the G2-2 zoned portion of the lot to be included in the lot area for the calculation. When the lot area as a whole is considered the lot coverage of the property drops to approximately 47%, which represents a marginal increase over the permitted 45% lot coverage, and staff note that the proposal itself is compatible with adjacent dwellings.

Variance 3 requests a reduced setback to a G2-2 zone. A review of the Development Agreement from the original plan of subdivision reveals that the G2-2 zone was originally implemented as a tree preservation area in order to preserve the existing vegetation at the time. Staff note that this vegetation is no longer present either on the subject property or in the surrounding area, and therefore the protection of trees is no longer a concern for this zone.

Variance 4 requests a reduced side yard. 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, appropriate drainage patterns can be maintained, and that access to the rear yard ultimately remains unencumbered. The proposed addition is in line with the existing side wall of the dwelling which would maintain existing access and drainage patterns on the property.

Given the above, Planning staff are of the opinion 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?

Planning staff are of the opinion that the impacts created by the requested variances are minor in nature. The proposal maintains the residential use of the property and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, 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 Building Permit Application Process.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-8046. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 10/05/2021 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