

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A27.22 Ward 11
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, as amended. 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 a new dwelling proposing:

1. A lot coverage of 28.59% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. A dwelling height of 9.93m (approx. 32.57ft) measured to the highest ridge whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) measured to the highest ridge in this instance;
3. A side yard setback (easterly) of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
4. A side yard setback (easterly) to the second storey of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
5. A side yard setback (westerly) of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance; and,
6. A side yard setback (westerly) to the second storey of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance.

Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-124. From a review of this application it appears the following amendment will be required:

1. *A lot coverage of 28.61% (251.06m²) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (219.37m²) in this instance;*

Furthermore, the following additional variances are required:

7. *An easterly side yard of side yard 0.8m measured to the window wells; whereas By-law 0225-2007, as amended, requires a minimum side yard 1.19m to a window well in this instance;*

8. *A westerly side yard of side yard 0.85m measured to the window wells; whereas By-law 0225-2007, as amended, requires a minimum side yard 1.19m to a window well in this instance;*

9. *An easterly side yard of side yard 1.32m measured to the second storey balcony; whereas By-law 0225-2007, as amended, requires a minimum side yard 2.41m to a second storey balcony in this instance;*

10. *A westerly side yard of side yard 1.54m measured to the second storey balcony; whereas By-law 0225-2007, as amended, requires a minimum side yard 2.41m to a second storey balcony in this instance;*

Background

Property Address: 902 Old Derry Road

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-10 - Residential

Other Applications: SPI 21-124

Site and Area Context

The subject property is located on the south side of Old Derry Road, east of the Second Line West intersection. It currently contains a detached dwelling with a detached garage. There are limited landscaping and vegetation elements present on the property. The property has a lot frontage of +/- 12.71m (41.7ft) and a lot area of +/- 877.51m² (9,445ft²), which is smaller than some of the immediately adjacent lots but similar in size to the subdivision lots along Lessard Lane. The surrounding area is predominantly residential, consisting exclusively of detached dwellings. The property abuts a large school site to both the rear and east.

The applicant is proposing a new dwelling requiring variances for lot coverage, 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 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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings. 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 subject property abuts a school property to the east and south, and subdivision lands are present to the north. Based on the built form of the lots within the subdivision and the few residential lots along this stretch of Old Derry Road, staff are satisfied that the proposal is sympathetic to the surrounding context and 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 lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. Staff note that the proposed dwelling itself does not exceed the permitted coverage, however the addition of the porches and balconies pushes the coverage above the as-of-right permission. Porches and balconies have do not present the same massing concerns as the enclosed walls of a dwelling or structure, and staff are satisfied that the proposal represents an appropriate level of development for the property.

Variance 2 requests an increase in the overall height of the structure. The intent of the infill regulations regarding height is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling. Staff note that the proposed dwelling has a sloped roof, and that the increased height is only measured to a portion of the roof. Staff are satisfied that the increase in height creates minimal impacts on the streetscape and does not significantly increase the visual massing of the dwelling.

Variances 3 through 10 request a reduction in side yard setbacks to various elements of the proposed dwelling. 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 can be provided, and that access to the rear yard ultimately remains unencumbered. Planning staff note that the Transportation and Works Department has raised no concerns surrounding drainage at this time and that the setbacks are appropriate to permit access to the rear yard. Furthermore staff note that the subject property only has one residential neighbour, which is currently under application A28/22. Staff are of the opinion that the dwellings have been designed with an appropriate buffer between the structures.

Given the above, staff are satisfied 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?

Staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore staff are satisfied that the overall impacts to abutting properties and the streetscape are minor in nature.

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 new dwelling will be addressed through the Building Permit and Site Plan Application Process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

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Our comments are based on the plans received by Zoning staff on 2022/12/16 for the above captioned site plan approval application. These comments may no longer be valid if there are any changes contained within this Committee of Adjustment application that have not been reviewed through the site plan approval application. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval application in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor