

City of Mississauga Department Comments

Date Finalized: 2022-02-02	File(s): A46.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-10 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A gross floor area of 375.14sq.m (approx. 4,037.97sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 318.00sq.m (approx. 3,422.92sq.ft) in this instance;
2. An height of eaves of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance; and,
3. A side yard setback (northerly) of 0.59m (approx. 1.94ft) to the below grade stairwell whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, the variances, as requested are correct.

We also advise that the following variance be added:

4. A side yard setback (southerly) of 1.78m (approx. 5.844ft) to the side lot line whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance.

Background

Property Address: 3518 Capricorn Crescent

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

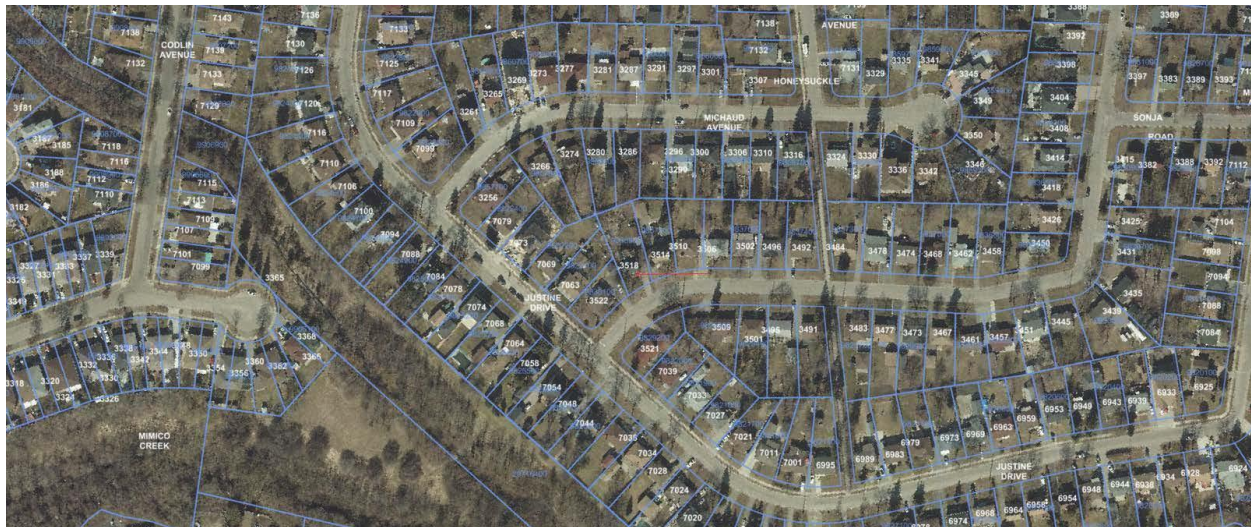
Other Applications: PREAPP 21-8502

Site and Area Context

The subject property is located north-west of the Goreway Drive and Derry Road East intersection and currently houses a 1 and a half storey detached dwelling. The subject property is an interior parcel, with a lot area of +/- 841.51m² (9,057.94ft²) and a lot frontage of +/- 15.26m (50.07ft). Limited landscaping and vegetation elements are present in the front yard.

Contextually, the surrounding neighbourhood consists exclusively of detached and semi-detached dwellings. The properties within the immediate area possess lot frontages of +/- 14.96m (49.08ft) with moderate vegetative / natural landscaped elements within the front yards.

The applicant is proposing the construction of a new 2-storey detached dwelling requiring variances for gross floor area, height of eaves, and 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 I in the Mississauga Official Plan (MOP) and is within the Malton Neighbourhood Character Area. This designation permits detached, semi-detached, and duplex dwellings. Section 9 of the 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 GFA and eave height increase, as well as setback reductions, would be compatible with the existing and planned character of the area. Staff are satisfied that the proposal 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 pertains to an increase in Gross Floor Area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The requested increase does not show any perceived conflicts with the surrounding area.

Variance 2 requests an increase to eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement.

Variances 3 and 4 request reduced side yard setbacks measured to stairs servicing a below grade entrance on the north side of the dwelling and the southerly side wall of the dwelling, respectively. 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, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. The proposed below grade entrance is appropriately located in the side yard and creates no massing issues. Furthermore the Transportation and Works Department has raised no concerns regarding drainage. On the south side of the dwelling staff note that the reduced setback is measured to a pinch point near the front of the dwelling and increases towards the rear of the dwelling. Staff are satisfied that the proposed setback provides an appropriate buffer and allows for unencumbered access to the rear yard.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the Zoning Bylaw.

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

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 Process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-8502. Based on review of the information currently available in this permit application, the variances, as requested are correct.

We also advise that the following variance be added:

4. A side yard setback (southerly) of 1.78m (approx. 5.844ft) to the side lot line whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) 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: Sherri Takaloo, Zoning Examiner