

City of Mississauga Department Comments

Date Finalized: 2022-01-26	File(s): A456.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-02-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. 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 a new dwelling proposing:

1. A gross floor area of 753.98sq.m (approx. 8,115.77sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 737.45sq.m (approx. 7,937.85sq.ft) in this instance;
2. A dwelling depth of 27.6m (approx. 90.55ft) whereas By-law 0225-2007, as amended, requires a maximum dwelling depth of 20.0m (approx. 65.62ft) in this instance;
3. A combined width of side yards of 6.37m (approx. 20.90ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.80m (approx. 25.46ft) in this instance;
4. A walkway width of 5.9m (approx. 18.37ft) whereas By-law 0225-2007, as amended, requires a maximum walkway width of 1.5m (approx. 4.21ft) in this instance;
5. A balcony encroachment of 1.4m (approx. 4.59ft) into the front yard, whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.0m (approx. 3.28ft) into the front yard in this instance;
6. A building height measured to the highest ridge of 9.85m (approx. 32.32ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.16ft) in this instance;
7. A front yard measured to the eaves of 10.50m (approx. 34.45ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 12.00m (approx. 39.37ft) in this instance;
8. An eave height of 6.75m (approx. 22.15ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 20.99ft) in this instance; and

9. An eave encroachment of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance.

Background

Property Address: 771 Meadow Wood Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-2 - Residential

Other Applications: Consent B 123/89; Site Plan 21/60

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood, northeast of Southdown Road and Lakeshore Road West. The neighbourhood is entirely residential consisting of one and two storey-detached dwellings on lots with mature vegetation in the front yards. The subject property is a one storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for gross floor area, dwelling depth, combined width of side yards, walkway & driveway width, balcony encroachment, front yard, and eave height & encroachment.



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 and the four tests to this minor variance request are as follows:

The above noted applications were previously heard by the Committee of Adjustment on November 11th, 2021 and were subsequently deferred to allow the applicant an opportunity to continue discussions with Zoning staff to validate and identify variances required for the proposal. The applicant has revised the proposal and corrected a number of variances.

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?

As mentioned in staff's reported dated November 11, 2021, the proposed detached dwelling respects the designated land uses. As such, staff is of the opinion that the general intent and purpose of the Official Plan is maintained.

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

Variance #1 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. The proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #2 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. Staff have reviewed the applicant's variance request, and note that dwelling depth is measured from the outside of the front wall of the dwelling to the outside of the rear wall. Staff are of the opinion that the variance will have a negligible impact on abutting properties, as the portion of the dwelling requiring the variance is the glass walled sunroom thereby minimizing any massing impacts.

Variances #3 pertains to setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variance #4 pertains to a walkway width. The intent of this portion of the by-law is to provide a stable surface for pedestrians (not vehicles) to approach the dwelling and assist in defining an entrance walkway. While the walkway attachment appears to be excessive, based off its design, staff are of the opinion that it will not accommodate vehicular access or parking. Furthermore, the walkway appropriately defines the entryway to the dwelling. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

Variance #5 pertains to a balcony encroachment. The purpose of a maximum balcony encroachment is to ensure that balconies are not situated too close to property lines in order to protect the privacy and overlook of the neighbouring property. The proposed balcony is located in the front yard and maintains a 11.3m (37ft) setback from the front lot line. Staff are of the opinion that this provides an adequate buffer between the structure and the lot line. Furthermore, the proposed balcony does not present any privacy or overlook concerns, as dwellings in the immediate area are staggered in a manner that provides additional privacy.

Variance #6 and 8 pertain to building and eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling. By keeping the edge of the roof closer to the ground, it allows the dwelling to maintaining a more human scale. The average grade of the street is generally the same average grade where the dwelling sits. Thereby not exacerbating the height of the dwelling. Staff have no concerns with the proposed height variances, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roofline gables and a staggered façade. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #7 pertains to front yard setback. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed front yard is not out of character within the immediate neighbourhood. Furthermore, the variance is only required because of the eaves encroach into the setback. The rest of the dwelling would maintain a minimum front yard setback of 12.6m (41.3ft), which exceeds the by-law regulation. Staff is of the opinion that this variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature, in this instance.

Variance #9 pertains to an eave encroachment into the side yard. The eave encroachment does not add any significant massing to the dwelling and represents a minor deviation from the maximum requirement. Staff is of the opinion that this variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature, in this instance.

As such, staff is of the opinion that the variances requested meet the purpose and general intent 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 proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 Site Plan Application process, File SPI-21/060.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing Site Plan Approval application SPI 21-60. Based on review of the information currently available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Brian Bonner, Supervisor

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:

1. The lands to the rear of the property are City owned lands, identified as Rattray Marsh (P-126) and within the Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. 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. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
3. Tree preservation hoarding and securities may be required as part of the site plan control process.

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