

City of Mississauga Department Comments

Date Finalized: 2022-02-02	File(s): A23.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

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 33.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% in this instance;
2. A gross floor area (infill) of 449.66sq.m (approx. 4,840.10sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 376.92sq.m (approx. 4,057.13sq.ft) in this instance;
3. A dwelling depth of 22.97m (approx. 75.36ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. A roof overhang setback of 1.42m (approx. 4.66ft) whereas By-law 0225-2007, as amended, requires a minimum roof overhang setback of 1.96m (approx. 6.43ft) in this instance;
5. A balcony setback of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a minimum balcony setback of 2.41m (approx. 7.91ft) in this instance;
6. A combined width of side yards of 3.66m (approx. 12.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.32m (approx. 17.45ft) in this instance;
7. A side yard setback on each side of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance; and,
8. A garage projection of 2.98m (approx. 9.78ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance.

Amendments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-97 W2. Based on review of the information currently available in this permit application, we advise that the following variances should be amended as follows:

4. Excessive roof overhang encroachment to the required northerly and southerly side yard setback (2nd storey). A maximum of 0.45m is permitted, whereas approximately 0.99m is proposed.

6. A combined width of side yards of 3.66m (approx. 12.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.25m (approx. 17.22ft) in this instance;

Background

Property Address: 1509 Petrie Way

Mississauga Official Plan

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

Zoning By-law 0225-2007

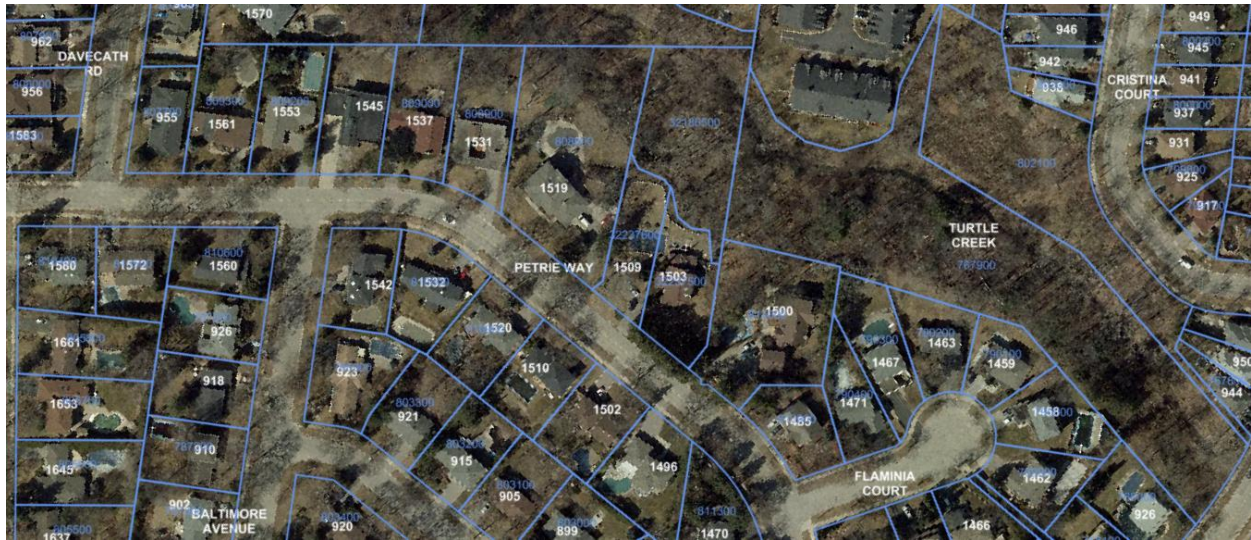
Zoning: R2-4 - Residential

Other Applications: Site Plan Infill application under file SPI 21-97 W2

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Clarkson Road North and Lakeshore Road West. Directly abutting the subject property to the north is Turtle Creek. The neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached double car garage with mature vegetation in the side yards.

The applicant is proposing a new two-storey dwelling requiring variances for lot coverage, gross floor area (infill), dwelling depth, roof overhang setback, balcony setback, combined width of side yards, side yard setbacks and garage projection.



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:

The subject property is designated Greenlands & Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings. While detached dwellings are not permitted in the Greenlands designation, Credit Valley Conservation Authority (CVC) has no concerns with the proposal.

Upon review of new two-storey detached dwellings in the neighbourhood, staff are of the opinion that the gross floor area proposed is excessive and does not maintain compatibility between the existing dwellings on the street; nor would it preserve the established character of the neighbourhood. Furthermore, the proposed dwelling does not contain adequate architectural design features to assist in breaking up the dwelling's overall massing, which will directly impact the neighbouring properties.

Staff are concerned that the proposed dwelling depth, roof overhang, side yard setbacks and garage projection, in addition to the increased GFA, will cause significant massing issues and will directly impact adjacent properties to the east and west.

Furthermore, staff cannot evaluate the impacts of the westerly wall of the dwelling, as the applicant has not submitted an elevation drawing showing the westerly wall.

As such, staff recommends that the application be deferred for redesign.

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 dwelling will be addressed through the Site Plan Application process, File SPM-21/097.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-97 W2. Based on review of the information currently available in this permit application, the following variances 3, 5, 7 and 8, as requested are correct.

We also advise that the following variances should be amended as follows:

4. Excessive roof overhang encroachment to the required northerly and southerly side yard setback (2nd storey). A maximum of 0.45m is permitted, whereas approximately 0.99m is proposed.
6. A combined width of side yards of 3.66m (approx. 12.01ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.25m (approx. 17.22ft) in this instance;

In addition, more information is also required in order to verify the accuracy of the requested remaining variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 2021/09/17 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed 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 Turtle Creek & Glenleven Park (P-045) and within the Natural Hazard Lands, 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