

City of Mississauga Department Comments

Date Finalized: 2022-03-30	File(s): A562.21 Ward 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-07 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 of a new dwelling proposing:

1. A gross floor area of 465.85sq.m (approx. 5,014.53sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 412.65sq.m (approx. 4,441.73sq.ft) in this instance;
2. A building height of 9.5m (approx. 31.2ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.0m (approx. 29.5ft) in this instance;
3. A dwelling unit depth of 21.13m (approx. 69.32ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
4. An interior side yard setback (southerly) of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance; and
5. A driveway width of 8.79m (approx. 28.84ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 779 Indian Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 - Residential

Other Applications: Preliminary Application Meeting – PAM 21 265, Site Plan Infill – SPI 21 139, Preliminary Application Zoning Review – PREAPP 21 5151

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, west of Indian Road and Mississauga Road. The immediate area consists of older and newer one and two storey-detached dwellings on large lots with mature vegetation in the front yards. The subject property contains an existing one and a half storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to gross floor area, building height, dwelling depth, interior side yard setback and driveway width.



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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

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Staff comments concerning the application are as follows:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

The Committee of Adjustment previously deferred the above noted application on December 22, 2021. The applicant has since reduced the proposed gross floor area and dwelling depth to accommodate the committee and staff's concerns.

Variance #1 pertains to gross floor area. Upon review of the revised proposal, staff are of the opinion that the proposed dwelling is compatible with the existing dwellings on the street and maintains the established character of the neighbourhood. Further, the applicant has reduced the overall massing of the dwelling by reducing the dwelling's depth.

Variance #2 pertains to building height. The intent of restricting height to the highest ridge is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. This keeps the dwelling within a human scale. The proposed height increase is minor and the roof maintains an eave height that meets requirements of the zoning by-law.

Variance #4 pertains to interior side yard setback. 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, and that access to the rear yard ultimately remains unencumbered. The proposed side yard is similar to side yards in the immediate area. The proposed side yard also provides an adequate buffer to the massing of structures on the adjacent properties. Further, the rear yard is unobstructed and can be accessed from both the northerly and southerly side yards.

Variance #5 pertains to driveway width. The intent of this portion of the zoning by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. Staff note that the widest portion of the driveway is located in front of the detached garage at the rear of the subject property. This portion of the driveway is located behind the proposed dwelling and cannot be viewed from the street. The rest of the driveway maintains a width of approximately 2-3m (6.56-9.84ft).

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 are being addressed through the Site Plan approval process, SPI-21/139.

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 21-139. It appears that the submitted plans for the Minor Variance application are different from plans reviewed for SPI 21-139. The revised plans submitted to the Minor Variance application have not been reviewed by zoning staff. We cannot 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: Alana Zheng, Zoning Examiner