

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A149.22 Ward 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 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 and accessory structure proposing:

1. A combined width of side yards of 5.75m (approx. 18.86ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.91m (approx. 22.67ft) in this instance;
2. An eaves encroachment of 0.76m (approx. 2.49ft) into the side yard whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) into a required yard in this instance;
3. A dwelling unit depth below the first floor of 25.58m (approx. 83.92ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
4. An eaves height of 6.94m (approx. 22.77ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
5. An accessory structure (cabana) area of 40.00sq.m (approx. 430.56sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 20.00sq.m (approx. 215.28sq.ft) in this instance.

Background

Property Address: 1373 Indian Grove

Mississauga Official Plan

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

Zoning By-law 0225-2007

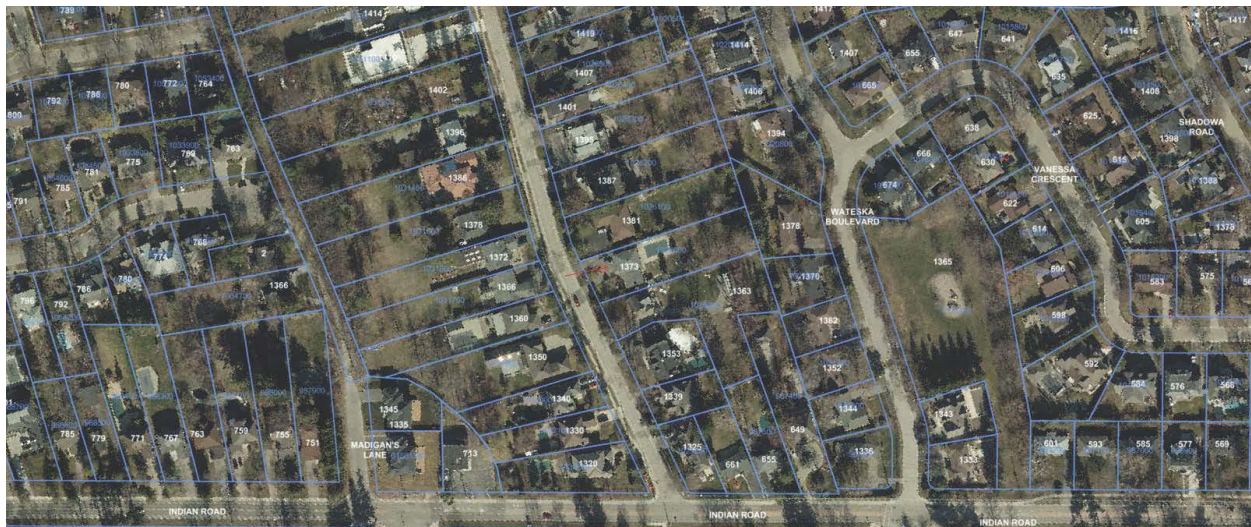
Zoning: R2-4 - Residential

Other Applications: Site Plan Infill Approval application under file SPI 21-165 W2.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, east of the Mississauga Road and Indian Road intersection. The neighbourhood is primarily residential consisting of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new two-storey dwelling requiring variances for side yards, eave encroachment, dwelling depth, eave height and accessory structure area.



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 are as follows:

The subject property is located within the Clarkson-Lorne Park Character Area and is designated Residential Low Density I. This designation permits detached, semi-detached and duplex dwellings.

Variance #1 pertains to the combined width of side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard is unencumbered.

Variance #2 pertains to an eave encroachment. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. While this request is greater than the current provisions allow, staff have concluded that the variance is a minor deviation from the zoning by-law's maximum. As such, staff has no concerns with this variance.

Variance #3 pertains to the proposal's dwelling depth. Staff note that the dwelling depth variance is only required to facilitate the development of a below grade "party room". Since the "party room" is below grade, the massing will not be visible. Furthermore, the above grade portion of the dwelling does not require a variance for dwelling depth.

Variance #4 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. By lowering the overall pitch of the roof, it will keep the dwelling within human scale. Staff note that no overall height variance has been requested. Furthermore, the eave height requested is a minor deviation from the zoning by-law's requirement.

Variance #5 pertains to the area of an accessory structure. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. In this case, the proposed structure is clearly subordinate to the main dwelling and is proportional to the lot. Furthermore, the zoning by-law permits a maximum occupied combined area of 60m² (645.84 ft²) for all accessory buildings and structures on lots with areas over 750m² (8072ft²). The proposal meets this requirement.

Through a detailed review of the application, staff is of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process. 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 will be addressed through the Site Plan Application process, File SPI-21/165.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill Approval application under file SPI 21-165 W2. Based on review of the information currently available in this permit application, the variances, as requested are correct.

We also advise that more information is required in order to verify the accuracy of the requested variance(s) or to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 11/18/2021 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