

City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A237.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 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 an addition proposing:

1. A height of 11.45m (approx. 37.57ft) whereas By-law 0225-2007, as amended, permits a maximum height of 10.7m (approx. 35.10ft) in this instance;
2. An eaves encroachment of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance;
3. An easterly side yard setback of 1.15m (approx. 3.77ft) to the second floor balcony, whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. An easterly side yard setback of 1.29m (approx. 4.23ft) to the second floor whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
5. A westerly side yard setback of 1.22m (approx. 4.00ft) to the second floor whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance.

Amendments

We note that an additional variance is required:

6. A below grade stairwell located in the front yard whereas Zoning By-law 0225-2007, as amended, does not permit stairs, stairwells or retaining walls to facilitate an entrance below grade at any point in the front or exterior side yards.

Background

Property Address: 309 Maple Grove Ave

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

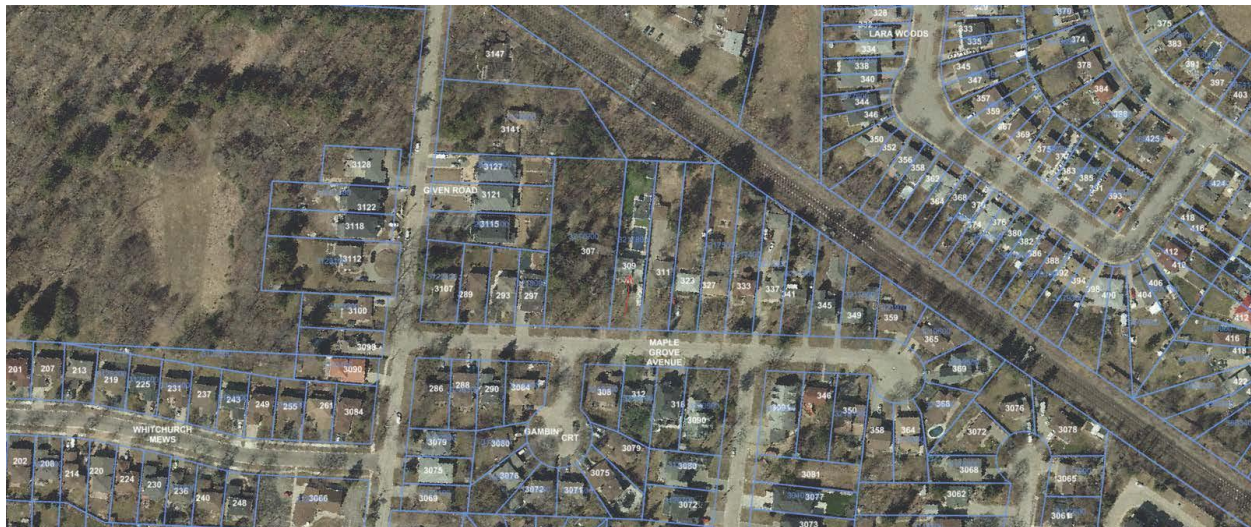
Zoning: R3 - Residential

Other Applications: PREAPP 21-8372

Site and Area Context

The subject property is located north-east of the Dundas Street East and Kirwin Avenue intersection in the Cooksville neighbourhood. It currently contains a two-storey detached dwelling and has a lot area of +/- 1,602.81m² (17,252.5ft²). Mature vegetation is present in both the front and rear yards. The surrounding area context is residential, consisting of detached dwellings on lots generally smaller than the subject property. Train tracks are located in close proximity to the north of the property.

The applicant is proposing additions and renovations to the subject property requiring variances for height, eave encroachment, 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 located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings. Section 9 of 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 application maintains the permitted residential use envisioned by the official plan and is at a scale that is compatible with the surrounding context. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance 1 requests an increase in height. The intent of height regulations is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling. Staff note that due to the grading of the property the Average Grade, from which height is measured, is approximately 0.68m (2.23ft) below the finished grade at the front of the dwelling and approximately 1.54m (5.05ft) below the finished grade at the rear of the dwelling. When combined with the limited area of the third storey and the considerable front yard setback, staff are satisfied that the dwelling will not present any concerns at the full requested height and represents appropriate massing for the site.

Variance 2 requests an increased eave encroachment in the westerly side yard. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. Staff are of the opinion that the proposed eaves maintain an appropriate setback from the property line, and that a 0.61m (approx. 2ft) eave is not excessive in this instance.

Variances 3 through 5 request a reduction in side yard setbacks to various elements of the proposed dwelling. 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, appropriate drainage can be provided, and that access to the rear yard ultimately remains unencumbered. Planning staff note that the Transportation and Works Department has raised no concerns surrounding drainage at this time and that the proposed additions are generally in line with the existing side walls, thereby maintaining existing circulation around the dwelling. Furthermore the balcony with the proposed side yard reduction is located in the front of the subject property and will not create any privacy concerns to abutting dwellings' rear yard amenity areas.

Variance 6 proposes a below grade stairwell located in the front yard. Staff note that there is a proposed below grade patio at the front of the house, accessed from the basement level. No

access to the patio or the below grade patio door is provided from ground level, and the patio is appropriately screened by planters and other decorative features. The intent of limiting below grade entrances and stairwells in the front yard is to limit impacts to the streetscape, and staff are satisfied that the proposal poses no negative impacts in this instance.

Given the above, Planning staff are of the opinion that the variances maintain the general intent and purpose 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 proposed variances, both individually and cumulatively, will create only minor impacts to both the streetscape and abutting properties. Furthermore the proposal represents appropriate development of the subject property.

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 addition will be addressed through the Building Permit Process. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.





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 21-8372. Based on review of the information currently available in this permit 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.

Furthermore, we note that an additional variance is required:

6. A below grade stairwell located in the front yard whereas Zoning By-law 0225-2007, as amended, does not permit stairs, stairwells or retaining walls to facilitate an entrance below grade at any point in the front or exterior side yards.

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

Appendix 3 – Region of Peel

Comments: Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Comments Prepared By: Camila Marczuk, Development Engineering