

City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): A235.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-19 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as amended. 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. An interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A flat roof height of 7.60m (approx. 24.93ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
3. An eaves height of 7.85m (approx. 25.75ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
4. A minimum garage rectangular area of 3.25m x 5.66m (approx. 10.66ft x 15.57ft) measured from the inside face walls, whereas By-law 0225-2007, as amended, requires a minimum garage rectangular area of 2.75m x 6.0m (approx. 9.02ft x 19.69ft) in this instance.

Amendments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-9643. Based on review of the information currently available in this permit application, variances # 2 and 4, as requested are correct. In addition, variance # 1 should be amended as follows:

1. An interior side yard (north) setback of 1.22m (approx. 4.00ft) to the second storey, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) to the second storey, in this instance;

Furthermore, an additional variance should be added:

5. An interior side yard (south) setback of 1.22m (approx. 4.00ft) to the second storey, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) to the second storey, in this instance;

Background

Property Address: 1077 Orchard Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

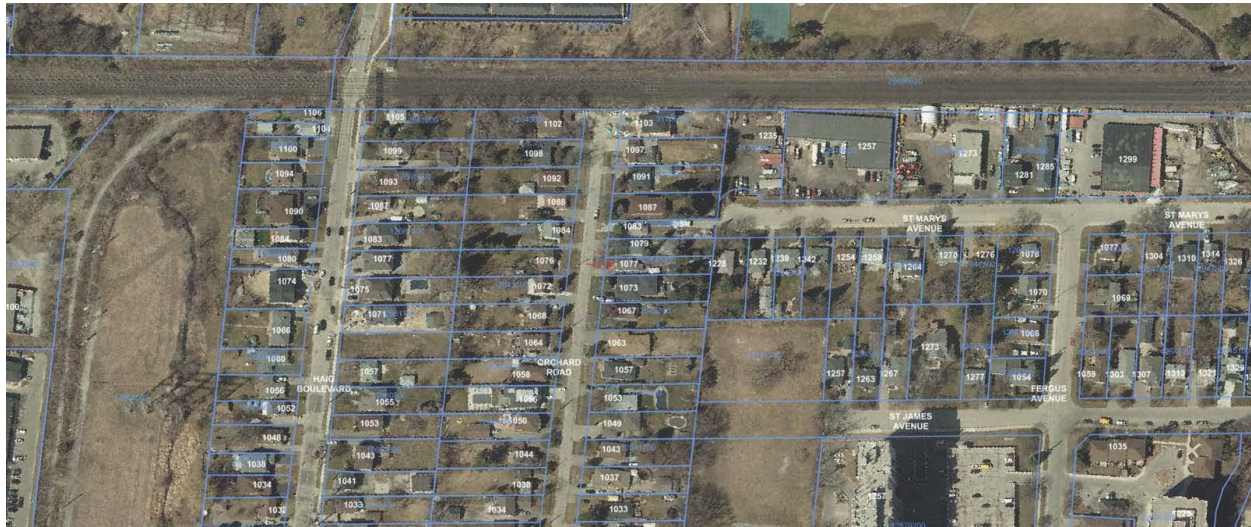
Zoning: R3-75 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 21-9643.

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Lakeshore Road East and Dixie Road intersection. The immediate neighbourhood is primarily residential, consisting of old and new one and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances for setbacks, heights and garage 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 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 Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached 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 proposal is appropriate for the existing site conditions and is suitable within the surrounding context. Staff are therefore satisfied that the proposal maintains the general intent and purpose of the official plan.

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

Variances #1 and 5 pertain to 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.

Variances #2 and 3 pertain to flat roof and eave height. The proposed dwelling contains multiple roofs. Staff note that the flat roof portion of the dwelling is small. Furthermore, the proposed flat

roof height is a minor deviation from the zoning by-law's maximum requirement. Therefore, staff are of the opinion that this variance is negligible. The intent of restricting height to the eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof by bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns, especially when considering no overall height variance is requested. Furthermore, the eave height variance is only required for a small portion of one of the roofs.

Variance #4 pertains to garage dimensions. Staff note that only the minimum garage width requires a variance. Staff have no concerns with this variance, as the proposed width exceeds the minimum width requirement for a parking spot thereby allowing the garage space to be utilized for parking.

Given the above, Planning staff are of the opinion that the proposal maintains 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?

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 new dwelling will be addressed through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-9643. Based on review of the information currently available in this permit

application, variances # 2 and 4, as requested are correct. In addition, variance # 1 should be amended as follows:

1. An interior side yard (north) setback of 1.22m (approx. 4.00ft) to the second storey, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) to the second storey, in this instance;

Furthermore, an additional variance should be added:

5. An interior side yard (south) setback of 1.22m (approx. 4.00ft) to the second storey, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) to the second storey, in this instance;

Lastly, two additional minor variances are required for the reduced interior side yard setbacks to the eaves overhang (as the interior side yard setbacks are reduced) and more information is required to confirm variance # 3.

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: Brandon Eidner, Zoning Examiner

Appendix 3 – Region of Peel Comments

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