

City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A244.22 Ward 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. 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 an addition proposing:

1. A side yard setback of 1.31m (approx. 4.30ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
2. A lot coverage of 38.26% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 2665 Misener Cres

Mississauga Official Plan

Character Area: **Sheridan Neighbourhood**
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: **R3 - Residential**

Other Applications: none

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southwest of the Erin Mills Parkway and Dundas Street West intersection. The immediate neighbourhood is primarily residential consisting of one and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a two-storey side split detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new second storey addition to the dwelling requiring variances for a side yard setback and lot coverage.



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 Sheridan Neighbourhood Character Area and is designated Residential Low Density II 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 proposal conforms to the designation and staff are of the

opinion that the proposed built form is compatible with detached dwellings in the immediate area. 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 pertains to a side yard setback to a second storey. Staff note that the applicant is proposing to provide the same setback to the second storey addition, as what is currently provided to the existing 1-storey of the dwelling. Through a review of 2-storey detached dwellings in the immediate neighbourhood, staff note that many dwellings maintain the same side yard setback between both first and second storeys. Therefore, the proposed setback is not out of character within the immediate neighbourhood. Additionally, the proposed setback maintains a sufficient buffer to the neighbouring properties.

Variance #2 pertains to lot coverage. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. In this instance, the applicant is proposing a lot coverage of 38.26% where a maximum lot coverage of 35% is permitted. Staff note that only 35.8% of the lot coverage is attributable to the detached dwelling's footprint. This increased lot coverage represents a minor deviation from the zoning by-law's requirement. The remaining lot coverage is attributable to a front porch, stair and second floor eave overhang, which results in negligible massing to the dwelling. Furthermore, the applicant's proposal to increase the dwelling's footprint will bring the existing 1-storey portion of the dwelling closer in line with the garage, lessening the garage's visual projection into the front yard thereby minimizing the impact of the existing garage on the streetscape.

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 addition will be addressed through the future Building Permit Application process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Furthermore, we note that a Building Permit is required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner