

City of Mississauga Department Comments

Date Finalized: 2022-07-06	File(s): A282.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-07-14 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. A gross floor area of 709.13sq.m (approx. 7,633.01sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 664.2sq.m (approx. 7,149.39sq.ft) in this instance;
2. A dwelling depth of 28.04sq.m (approx. 91.99ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00sq.m (approx. 65.62ft) in this instance;
3. A dwelling height of 9.658m (approx. 31.686ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) in this instance;
4. A height to underside of eaves of 7.4m (approx. 24.24ft) whereas By-law 0225-2007, as amended, permits a maximum height to underside of eaves of 6.4m (approx. 21.0ft) in this instance;
5. A minimum combined width of side yards of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.50m (approx. 21.33ft) in this instance;
6. An accessory structure area of 42.55sq.m (approx. 458.00sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance;
7. A driveway width at street access of 2.5m (approx. 8.2ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width at street access of 2.6m (approx. 8.53ft) in this instance; and,
8. A driveway width of 8.9m (approx. 29.20ft) beyond 6.0m of the front garage face; whereas By-law 0225-2007, as amended, permits maximum driveway width of 8.5m (approx. 27.89ft) beyond 6.0m of a garage face in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SPI 21-55. Based on review of the information currently available in this permit application, we advise variance 2, 4, 5 & 6 are correct.

The following variance should be amended:

1. A gross floor area – **infill residential** of 709.13m² (approx. 7,633.01sq.ft); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – **infill residential** of 664.2m² (approx. 7,149.39sq.ft) in this instance;
3. A dwelling height – **highest ridge** of 9.658m (approx. 31.686ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height – **highest ridge** of 9.50m (approx. 31.17ft) in this instance;
7. A driveway width ~~at street access~~ of 2.50m (approx. 8.2ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width ~~at street access~~ of 2.60m (approx. 8.53ft) in this instance;

The following variances are required:

9. A dwelling height – flat roof of 8.69m; whereas By-law 0225-2007, as amended, permits a maximum dwelling height – flat roof of 7.50m in this instance;
10. a walkway attachment width of 2.00m measured at the point of connection to the driveway; whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m

Background

Property Address: 1524 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: SPI 21-55

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the South Sheridan Way and Mississauga Road intersection. The immediate neighbourhood consists of a mix of older and newer one and two-storey detached dwellings 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 to construct a new dwelling and is seeking variances related to gross floor area, dwelling depth, dwelling height, side yards, accessory structure area 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. 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. The proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #2 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize massing impacts of long walls on neighbouring lots. While the proposed dwelling depth appears to be excessive, staff note that 21m (68.9 ft) of the dwelling's depth is attributable to the dwelling itself. The remaining structural depth is attributable to a front entry porch and rear covered deck. The rear deck and front entry porch are primarily open structures and therefore do not have the same massing impact as the rest of the dwelling. Finally, the front entry porch only spans a small portion of the dwelling's façade, therefore the depth attributable to the front entry porch is minimal and would have a minimal impact from a massing perspective.

Variances #3, 4 and 9 pertain to height, eave height and flat roof height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This will keep the dwelling within human scale. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize its negative impacts on the streetscape and neighbouring properties. The dwelling's overall height (to the highest ridge) is a minor deviation from the permitted maximum and is therefore negligible. Staff have no concerns with the proposed height variances, as the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roofline gables and a staggered façade. The proposed flat roof is separate from the main sloped roof and only spans a small portion of the façade, above a window. Furthermore, staff note a 0.75m (2.46ft) discrepancy between average grade and final grade. When the façade, the dwelling would appear 0.75m (2.46ft) shorter in height than the value of the variances. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #5 pertains to setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variance #6 pertains to an accessory structure area. 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 clearly accessory, while not presenting any massing concerns to neighbouring lots. While this variance appears excessive, the dwelling appears to cover approximately nine times more of the lot than the proposed accessory structure would. The accessory structure is also proportional to the lot, as it covers 1.8% of the lot. Lastly, the proposed accessory structure is below the combined gross floor area maximum of 60m² (645.84ft²) for accessory structures.

Variances #7 and 8 pertain to driveway widths. The intent of this portion of the 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 (front yard). Staff has no concerns with these variances, as they are a minor deviation from the maximum widths permitted and will therefore be negligible.

Variance #10 pertains to a walkway width. The intent of this portion of the by-law is to provide a stable surface for pedestrians (not vehicles) to approach the dwelling and assist in defining an entrance walkway. While the walkway attachment appears to be excessive, based off its design, staff are of the opinion that it will not accommodate vehicular access or parking. Furthermore, the walkway appropriately defines the entryway to the dwelling. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 current Site Plan application SP-21/055.



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 21-55. Based on review of the information currently available in this permit application, we advise variance(s) # 2, 4, 5 & 6 are correct.

The following variance(s) should be amended:

1. A gross floor area – **infill residential** of 709.13m² (approx. 7,633.01sq.ft); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – **infill residential** of 664.2m² (approx. 7,149.39sq.ft) in this instance;
3. A dwelling height – **highest ridge** of 9.658m (approx. 31.686ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height – **highest ridge** of 9.50m (approx. 31.17ft) in this instance;
7. A driveway width ~~at street access~~ of 2.50m (approx. 8.2ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width ~~at street access~~ of 2.60m (approx. 8.53ft) in this instance;

The following variance(s) are required:

9. A dwelling height – flat roof of 8.69m; whereas By-law 0225-2007, as amended, permits a maximum dwelling height – flat roof of 7.50m in this instance;
10. a walkway attachment width of 2.00m measured at the point of connection to the driveway; whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m

More information is required in order to verify the accuracy of: variance 8 (driveway width); the accessory structure (established grade, height & height – eaves); or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above site plan 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: Brian Bonner, Supervisor