

City of Mississauga Department Comments

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| Date Finalized: 2022-08-10 | File(s): A366.22 |
| To: Committee of Adjustment | Ward: 1 |
| From: Committee of Adjustment Coordinator | Meeting date:2022-08-18 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 flat roof building height of 7.61m (approx. 24.97ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof building height of 7.50m (approx. 24.61ft) in this instance;
2. A height to eaves of 7.00m (approx. 22.96ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 39.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
4. A dwelling unit depth of 20.21m (approx. 66.31ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
5. A side yard setback to the second floor of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second floor in this instance; and,
6. A side yard setback to the second floor of 1.28m (approx. 5.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second floor in this instance.

Amendments

The Applicant has requested that the following variance be amended:

2. A height to eaves of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance

Background

Property Address: 1073 West Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: PAM 22-130

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Cawthra Road and Lakeshore Road East intersection. The immediate neighbourhood primarily consists of older and newer one and two-storey detached dwellings with some mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to flat roof height, eave height, lot coverage, dwelling unit depth and side yard setbacks for second storeys.



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 lands are designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which 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 pertains to flat roof height. 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 negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that would have been permitted to a maximum height of 10.70m (35.1ft) and ultimately could accommodate a three-storey dwelling due to its architectural style. The proposed dwelling is two-storeys and has a proposed height that reflects a minor deviation from the permitted maximum and therefore would have a negligible impact.

Variance #2 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground. This lowers the overall pitch of the roof, keeps 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 #3 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot. The dwelling accounts for 35.54% of the proposed lot coverage. The additional coverage can be attributed to the front porch, being 1.48%, and the rear deck, at 2.01%, which do not add significant massing to the dwelling.

Variance #4 pertains to dwelling unit depth. The intent of the dwelling depth zoning provision is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. The applicant is proposing a minor increase from the maximum permitted in the zoning by-law. Furthermore, the northerly and southerly walls of the proposed dwelling are staggered and contain a variety of architectural features which helps to visually to break up the dwelling's massing.

Variances #5 and 6 pertain to side yard setbacks to the second storey. 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. Through a review of the immediate neighbourhood, similar deficiencies are common for newer detached dwellings. The proposed setbacks maintain an adequate buffer to the neighbouring properties.

As such, staff are of the opinion that the general intent and purpose of the zoning by-law are maintained.

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

The proposal represents an appropriate development of the subject lands. The proposed dwelling and variances are consistent with requests for new dwellings in the surrounding context, and the variance requests are generally minor in nature, and represent small deviations from the zoning requirements.

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 by our Development Construction Section through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Gary Gagnier, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1073 West Ave to allow the construction of a new two-storey single-family dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Harrison.Rong@Metrolinx.com with questions and to initiate the registration process.

Comments Prepared by: Harrison Rong, Project Coordinator

Appendix 4 – Region of Peel

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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: Joseph Filice, Junior Planner