

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A385.22 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A Gross Floor Area (GFA) of 191.38sq m (approx. 2060.00sq ft) whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area (GFA) of 174.34sq m (approx. 1876.58sq ft) in this instance;
2. A side yard setback to the second storey of 1.41m (approx. 4.63ft) whereas By-law 0225-2007, as amended, permits a minimum side yard setback to the second storey of 1.81m (approx. 5.93ft) in this instance;
3. A lot coverage of 32.75% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
4. A driveway setback of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a driveway setback of 0.60m (approx. 1.96ft) in this instance;
5. A driveway width of 5.80m (approx. 19.03ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.44m (approx. 14.57ft) in this instance; and
6. An eaves height of 6.52m (approx. 21.39ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.4m (approx. 20.99ft) in this instance.

Background

Property Address: 3023 McNaughton Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

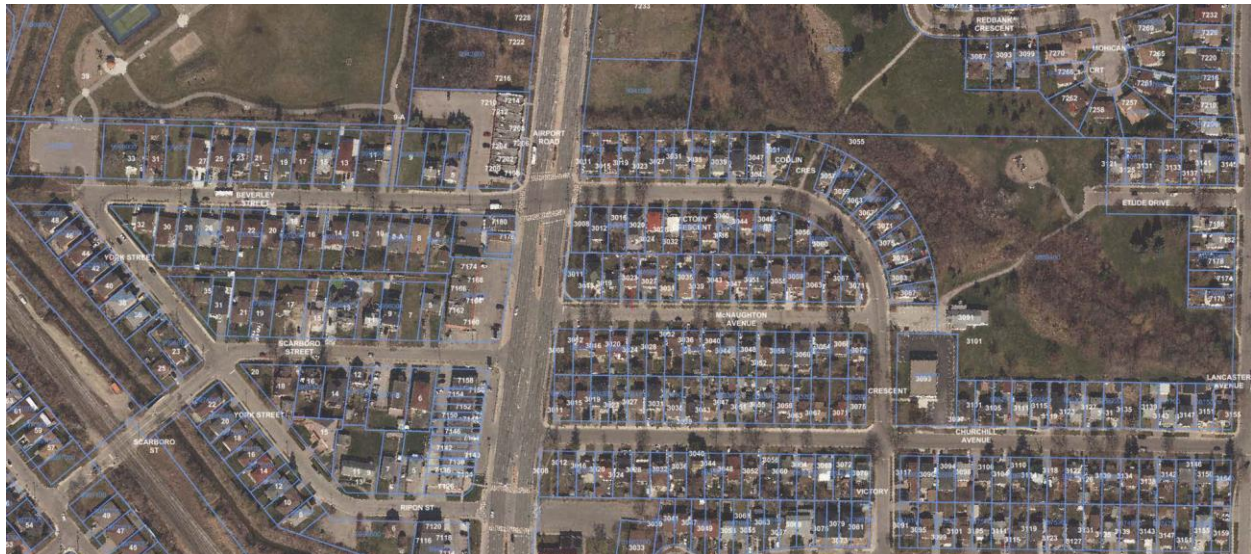
Zoning: R4-1 - Residential

Other Applications:

Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection. It is an interior parcel, with a lot area of approximately +/- 371.68m² (4,000.73ft²) and a lot frontage of approximately +/- 12.19m (40ft). The property currently houses a single storey detached dwelling with minimal vegetation and landscaping elements within the front and rear yards. Contextually, the surrounding neighbourhood consists of a mix of newer, two-storey detached dwellings and post-war, single storey detached homes. Within the immediate area properties possess lot frontages of +/- 12.1m (39.7ft), with minimal vegetation scattered throughout and minimal landscape elements within the front yards.

The applicant is proposing a new two storey dwelling requiring variances for gross floor area, lot coverage, side yard setbacks, rear yard setback, eave height, driveway setback 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 located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. The designation permits detached, semi-detached and duplex dwellings. Section 9 of the 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. Staff are satisfied that the proposal maintains the use of the residential designation and is within an appropriate scale for the surrounding context. Staff are therefore of the opinion 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 an increase in Gross Floor Area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure that the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the revised proposal appropriately balances both the existing and planned built form and character of the neighbourhood.

Variance 2 requests a reduced side yard setback measured 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, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. Staff note that there is no variance required for the setback to the first storey, and therefore an appropriate setback for access and drainage is being maintained on the ground level. Planning staff are satisfied that building the second storey directly on top of the first is appropriate in this instance and does not create significant massing impacts on the abutting property.

Variance 3 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. A portion of the lot coverage proposed is for a detached garage, which spreads the massing across the property and does not create a singular, large massing impact on abutting properties or the streetscape. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance 4 requests a reduced setback to the driveway from the side lot line. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. Staff are satisfied that an appropriate visual buffer is maintained, the driveway width is appropriate to facilitate vehicular access to the detached garage in the rear yard, and Transportation and Works has raised no concerns regarding drainage.

Variance 5 requests an increase in driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The proposed increase in width is only for a small portion of the driveway within the front yard and maintains an appropriate soft landscaped area on the property. Staff note that the proposed driveway width limits the parking to only two vehicles across. Staff are satisfied that the proposal is appropriate to facilitate the parking of two vehicles side by side and maintains an appropriate soft landscaped area in the front yard.

Variance 6 requests an increase to eave 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 results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement. Furthermore no overall height variance has been requested, limiting the impacts of the massing of the structure.

Given the above, staff are satisfied that the requested 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?

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 or the streetscape.

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 new dwelling will be addressed through the Building Permit process.

Acknowledging that the proposed garage will be located in the rear yard (similar to many other homes in the area), we note that through the Grading Plan Review under the Building Permit Process, our department will address any drainage related requirements.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-540. Based on review of the information currently available in this permit application, variances # 1, 2, 3, 4 and 5, as requested, are correct.

Furthermore, we advise that more information is required in order to verify the accuracy of the remaining variance(s) or determine whether additional variance(s) may be required.

Please note that comments reflect those provided through the above permit application submitted on 03/28/2022 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: Jeanine Benitez, 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](mailto: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