

City of Mississauga Department Comments

Date Finalized: 2022-09-07	File(s): A404.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-09-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act. 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 application to permit the construction of a new dwelling proposing:

1. A flat roof dwelling height of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof dwelling height of 7.5m (approx. 24.61ft) in this instance;
2. A height to architectural feature of 8.03m (approx. 26.35ft) whereas By-law 0225-2007, as amended, permits a maximum height to architectural feature of 7.5m (approx. 24.61ft) in this instance;
3. A lot coverage of 42.97% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% in this instance;
4. A front yard setback to architectural feature of 5.65m (approx. 18.54ft) whereas By-law 0225-2007, as amended, permits a maximum front yard setback to architect feature of 6.00m (approx. 19.69ft) in this instance; and,
5. A rear yard setback of 6.07m (approx. 19.91ft) whereas By-law 0225-2007, as amended, permits a maximum rear yard setback of 7.5m (approx. 24.61ft) in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law and cannot confirm the accuracy of the requested variances; staff would note variance #4 and 5 should be amended as follows:

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4. A front yard setback to architectural feature of 5.65m (approx. 18.54ft) whereas By-law 0225-2007, as amended, requires a **minimum** front yard setback to architect feature of 6.00m (approx. 19.69ft) in this instance; and,

5. A rear yard setback of 6.07m (approx. 19.91ft) whereas By-law 0225-2007, as amended, requires a **minimum** rear yard setback of 7.5m (approx. 24.61ft) in this instance

Background

Property Address: 845 Seventh St

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 - Residential

Other Applications: Preliminary zoning review application under file PREAPP 22-2498

Site and Area Context

The subject property is located within the Lakeview Neighbourhood, northeast of the Cawthra Road and Atwater Avenue intersection. Located west of the subject property at the terminus of Seventh Street is St. Paul Secondary School. The remaining area is entirely residential consisting of one and two storey-detached dwellings, on lots with mature vegetation in the front yards. The subject property is a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances for dwelling heights, lot coverage and setbacks.



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 II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that the 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 and 2 are regarding 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 the height of 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 has two-storeys with an overall height of 7.58m (24.87ft) measured from average grade. The perceived increase in height would

represent a minor deviation from the permitted maximum and therefore would have a negligible impact. The front façade also contains an architectural feature that has a height of 8.03m (26.35ft) measured from average grade. This architectural feature is small, contains a separate roofline that breaks up the overall roofline of the dwelling.

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 applicant is proposing a lot coverage of 42.97% where a maximum lot coverage of 40% is permitted. Staff note that the dwelling accounts for most of the proposed lot coverage (42.27%), which represents a minor deviation from the permitted maximum. Staff also note that the proposed pilaster (architectural feature) breaks up the overall massing, ensuring that it would not appear as an overdevelopment of the property.

Variance #4 is for a front yard setback. The applicant is proposing a front yard setback of 5.65m (18.54ft), where a minimum front yard setback of 6.00m (19.69ft) is required. The front yard setback proposed is to the pilaster, which covers a small portion of the front façade of the dwelling. The rest of the dwelling exceeds the 6.00m (19.69ft) front yard setback requirement.

Variance #5 is for a rear yard setback. The applicant is proposing a rear yard setback of 6.07m (19.91ft), where minimum rear yard setback of 7.5m (24.61ft) is required. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Staff have no planning concerns with the setback proposed, as it will provide for an adequate buffer and amenity area in the rear yard and is generally consistent with rear yard setbacks found in the immediate area.

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



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a preliminary zoning review application under file PREAPP 22-2498. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 06/17/2022 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

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