

City of Mississauga Department Comments

Date Finalized: 2022-09-22	File(s): A219.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested variances. However, the applicant may choose to defer the application to verify the variances and ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to permit the construction of a new dwelling proposing:

1. Lot frontage of 10.06m (approx. 33.01ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 15m (approx. 49.22ft) in this instance;
2. Lot area of 455.1sq m (approx. 4898.66sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq m (approx. 5920.15sq ft) in this instance;
3. A deck and accessory structure above a below grade accessory structure whereas By-law 0225-2007, as amended, does not permit a deck and accessory structure above a below grade accessory structure in this instance;
4. A side yard setback (northwest) of 1.22m (approx. 4.00 ft) whereas By-law 0225-2007, as amended, requires a side yard setback (northwest) of 1.81m (approx. 5.94ft) in this instance;
5. A side yard setback (southeast) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a side yard setback (southeast) of 1.81m (approx. 5.94ft) in this instance;
6. A lot coverage of 38.2% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
7. A dwelling depth of 21.05m (approx. 69.06ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20m (approx. 65.62ft) in this instance; and,
8. A balcony encroachment into the rear yard of 2.41m (approx. 7.91ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment into the rear yard of 1m (approx. 3.28ft) in this instance.

Amendments

Through discussions with Zoning staff, Planning staff have determined that Variances #1 and 2 are not required. As such, these variances should be removed.

Background

Property Address: 879 Aviation Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

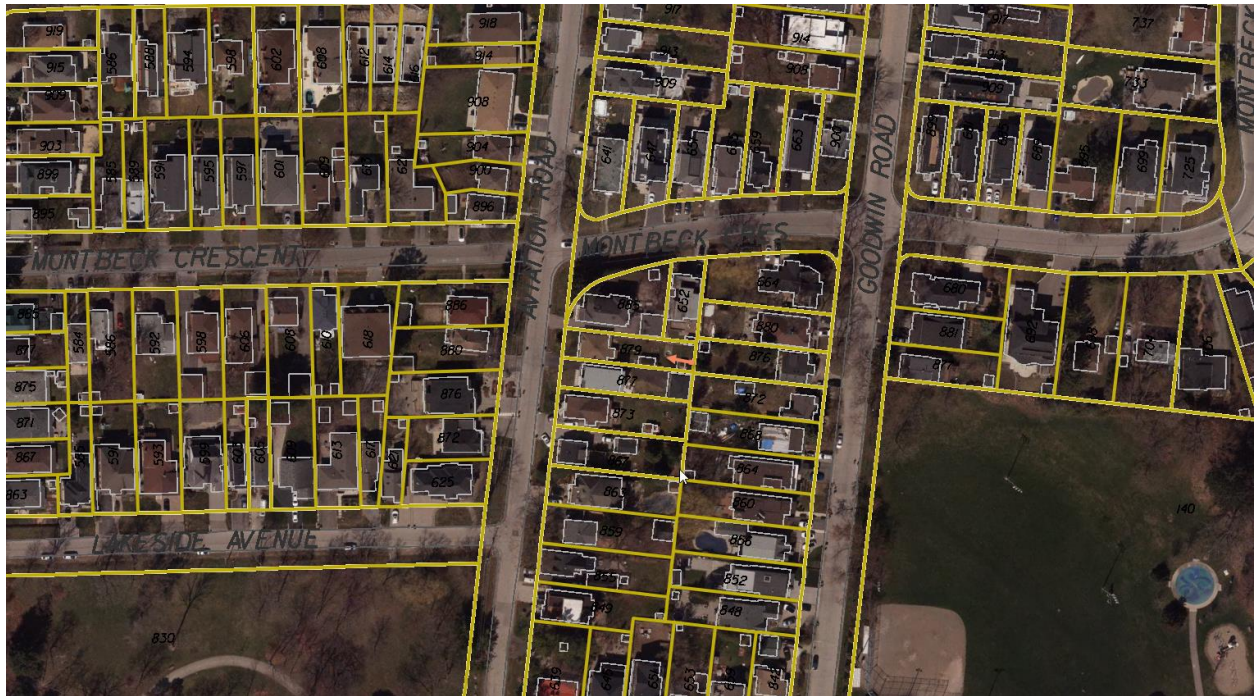
Zoning: R3-75 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Cawthra Road and Lakeshore Road East. The neighbourhood is entirely residential, consisting of one, two and three storey detached dwellings with mature vegetation. The subject property contains an existing one-storey dwelling with little vegetation.

The applicant is proposing a two-storey dwelling requiring variances related to lot area, coverage and frontage; a deck and accessory structure; setbacks; dwelling depth and a balcony encroachment.



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 in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. The subject property is located in the Lakeside Precinct in the South Residential Neighbourhood and is subject to the policies within the Lakeview Local Area Plan. 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 #3 pertains to a deck and accessory structure above a below grade accessory structure. Staff note that this is a technical variance caused by the fact that the cold storage in the basement is accessed from the exterior of the dwelling. Staff are of the opinion that the variance raises no massing or privacy concerns.

Variances #4 and 5 pertain to side yard setbacks to the second storey. Staff note that the applicant is proposing to provide the same setback to the second storey, as what is proposed to the existing first storey of the dwelling. Through a review of two-storey detached dwellings in the immediate neighbourhood, staff note that many dwellings maintain the same side yard setback between both the 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 #6 pertains to lot coverage. The applicant is proposing a lot coverage 38.2% where a maximum lot coverage of 35% in this instance. Staff note that this is a minor increase from the permitted maximum. Furthermore, the applicant is not proposing to increase the gross floor area or height of the dwelling beyond the permitted maximum, therefore staff are of the opinion that this variance will raise no massing or overdevelopment concerns.

Variance #7 pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize massing impacts of long walls on neighbouring lots. Staff note the sidewalls of the dwelling are staggered and contain windows and a variety of materials to breakup the dwellings massing. A strip of molding runs across both sidewalls to separate the first and second storeys of the dwelling so it does not appear as a continuous wall.

Variance #9 pertains to a balcony encroachment. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. The subject property is sufficiently setback from abutting properties to the north, south and west. Planning staff note the presence of mature vegetation along the northerly property line on the abutting property to the north. This vegetation will provide screening from the balcony to the property to the north. Furthermore, the proposed dwelling is situated deeper into the lot than the abutting property to the south. Staff is of the opinion that the combination of these factors will lessen the impact of the balcony for the abutting property to the south. However, should the Committee see merit; they may request that the applicant provide a privacy fence on the south side of the rear balcony.

As such, staff have no concerns with the applicant's proposal. 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 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 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: Andrea Patsalides, Zoning Examiner