

City of Mississauga Department Comments

Date Finalized: 2022-10-12	File(s): A419.22 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-20 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances as requested. 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 an existing dwelling proposing:

1. A dwelling depth of 23.61m (approx. 77.46ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.0m (approx. 65.62ft) in this instance;
2. A driveway width of 13.04m (approx. 42.78ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance;
3. A garage projection of 6.92m (approx. 22.70ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance; and
4. A height of flat roof of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, permits a maximum height of flat roof of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 1260 Kane Rd

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-80 - Residential

Other Applications: OZ 16/007 W2 and 21T-M 16002 (Draft Approved); B50.21; and, BP 9NEW 20-3729

Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. A private driveway from Kane Road leads to the subject property. The driveway is the only portion of the property with frontage on Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer/larger two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property is currently under construction.

The applicant requests the Committee to permit a dwelling proposing variances for dwelling depth, driveway width, garage projection and height of flat roof.



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 request are as follows:

The proposed development is subject to a 2019 Ontario Land Tribunal (OLT) decision that approved a site specific zoning by-law amendment and draft plan of subdivision for a two lot residential subdivision accessed by way of a main driveway onto Kane Road. Among the conditions of the draft plan of subdivision, the applicant is required to register an easement in

favour of Lot 2 to permit vehicular access over the driveway of Lot 1 for access onto Kane Road (B50.21).

Staff are currently processing the corresponding site plan and building permit applications for the subject site however, these applications have not yet been approved or issued as there are a number of outstanding conditions (including approval of the requested variances) required to be satisfied by the applicant.

We further advise to the Committee that it appears there has been construction activity on site to date. City inspection staff have been out on site a number of occasions to issue stop work orders and orders to comply.

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 on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character of the 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 relates to dwelling depth. The intent of the dwelling depth regulation is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. While the proposed dwelling depth appears to be excessive, staff note that the northerly and southerly walls of the proposed dwelling are staggered and contain a variety of architectural features that helps to visually to break up the dwelling's massing.

Variance #2 pertains to driveway width. 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 note that the proposed variance is required to accommodate the shared driveway with 1260A Kane Road (addressed per the site plan drawing). A majority of the driveway (connecting to Kane Road) maintains a width of 3.5m (11.48ft), which is far below the 6m (9.69ft) maximum.

Variance #3 is for a garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the proposed garage is set back over 50m (164ft) from Kane Road and will have negligible impacts on the streetscape. The dwelling also contains a covered porch, that projects 3.53m (11.58ft) into the front yard thereby minimizing the impact of the garage projection.

Variance #4 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. The intent of regulating the flat roof height is also to prevent a third storey as of right due to a combination of maximum permitted height and its architectural style. The proposed two-storey dwelling has a height of 8.94m (29.33ft) measured from average grade. Staff note that there is a 1.42m (4.65ft) discrepancy between finished grade and average grade. Therefore, when viewing the dwelling from the street, the dwelling would appear to have a height of 7.52m (24.67ft). This perceived increase in height would represent a minor deviation from the permitted maximum and therefore would have a negligible impact.

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.

We advise the Committee that while the Department typically does not support variances connected to a proposal that has gone through a mediation process at the Ontario Land Tribunal, staff note that the variances being sought do not alter the intent of the settlement. Staff have evaluated the requested relief both on an individual and cumulative impact basis and have determined that the requests are minor in nature and meet the four tests. Therefore, staff have no objection to the requested variances as presented in the plans that are currently on file.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We advise that these lands are currently being reviewed under Draft Plan of Subdivision File T-16/002 where 2 new lots are being proposed with a single access driveway from Kane Road. We are also reviewing a Site Plan application for the 2 proposed dwellings under SP-21/152. We have no concerns with the proposed minor variances.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 20-3729. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 5/31/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner