

City of Mississauga Department Comments

Date Finalized: 2022-02-23	File(s): A85.22 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-03 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 a new dwelling proposing:

1. A detached dwelling with a centreline setback to Cawthra Road of 24.0m (approx. 78.7ft) whereas By-law 225-2007, as amended, requires a minimum centreline setback of 27.5m (approx. 90.2ft) in this instance;
2. A maximum porch encroachment of 2.0m (approx. 6.6ft) inclusive of stairs, into the front yard; whereas By-law 225-2007, as amended, permits a maximum porch encroachment of 1.6m (approx. 5.2ft), inclusive of stairs, in this instance;
3. An accessory structure (pagoda) height of 10.7m (approx. 35.1ft) whereas By-law 225-2007, as amended, permits a maximum accessory structure height of 3.5m (approx. 11.5ft) in this instance;
4. An accessory structure (pagoda) area of 66.0sq.m (approx. 710.4sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.0sq.m (approx. 215.3sq.ft) in this instance;
5. An accessory structure (Buddha statue) in the rear yard with a height of 7.6m (approx. 24.9ft) whereas By-law 225-2007, as amended, permits a maximum accessory structure height of 3.5m (approx. 11.5ft) in this instance; and,
6. Two accessory structures (pagoda and Buddha statue) with a combined area of 72.0sq.m (approx. 775.0sq.ft) whereas Zoning 225-2007, as amended, permits a maximum combined accessory structure area of 60.0sq.m (approx. 645.8sq.ft) in this instance.

Background

Property Address: 3141 Cawthra Road

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the east side of Cawthra Road, north of the Silver Creek Boulevard intersection. Currently it contains a 2-storey detached structure which is proposed to be demolished. Limited landscaping elements and some mature vegetation are present on the property. The property has a lot frontage of +/- 22.5m (73.8ft) and a lot area of +/- 3,253.74m² (0.8ac). The surrounding area consists of a mix of residential, commercial, and institutional uses with varying built forms and lot sizes.

The applicant is proposing to construct a new detached dwelling and accessory structures on the subject property requiring variances for centreline setback, porch encroachment, and floor areas and heights for the accessory structures.



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 Applewood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex 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 represents residential development in line with the designation, and staff are satisfied that despite the large size of the accessory structures they remain compatible with the surrounding built form. Staff are therefore of the opinion 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?

Variance 1 requests a reduction in the setback to the centreline of Cawthra Road. The intent of this portion of the Zoning By-law is to ensure that any proposed construction will not come at the expense of a potential road widening. This portion of Cawthra Road is a regional road, and the Region of Peel has not raised any concerns surrounding this variance. Furthermore the request maintains a generous setback to the centreline which would not prohibit future widening of the road.

Variance 2 requests an increased porch encroachment. The intent of this portion of the By-law is to ensure an appropriate buffer between the porch and lot lines. Staff note that the request is exceedingly minor in nature and are satisfied that the porch on the subject property is appropriately sized and setback from the front lot line.

Variances 3 through 6 request an increased height and floor area for the accessory structures. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the structures represents less than 3% of the total lot area which is less than the maximum permitted lot coverage for accessory structures on the property. Regarding the heights, staff note that the pagoda provides a significant setback to any residential properties and abuts the side yard of the property to the north, while the statue does not create significant massing concerns due to its footprint. Staff are satisfied that any impacts on abutting properties are minor in nature and that there will be no impact to the streetscape.

Given the above, Planning 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?

Planning staff are of the opinion that the proposal represent appropriate development of the subject property. The proposed variances, both individually and collectively, are minor in nature and are not expected to create undue impact on abutting 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 this property will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

We note that a building permit application is required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner