

City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A640.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 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. An interior side yard setback for a below grade stairwell of 1.035m (approx. 3.396ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback for a below grade stairwell of 1.20m (approx. 3.94ft) in this instance;
2. A height to the underside of eaves of 7.25m (approx. 23.79ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 36.13% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% in this instance;
4. A height to the ridge of 9.58m (approx. 31.43ft) whereas By-law 0225-2007, as amended, permits a maximum height to the ridge of 9.00m (approx. 29.53ft) in this instance; and,
5. A gross floor area of 369.22sq m (approx. 3974.25sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 289.37sq m (approx. 3114.75sq ft) in this instance.

Background

Property Address: 31 Joymar Dr

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

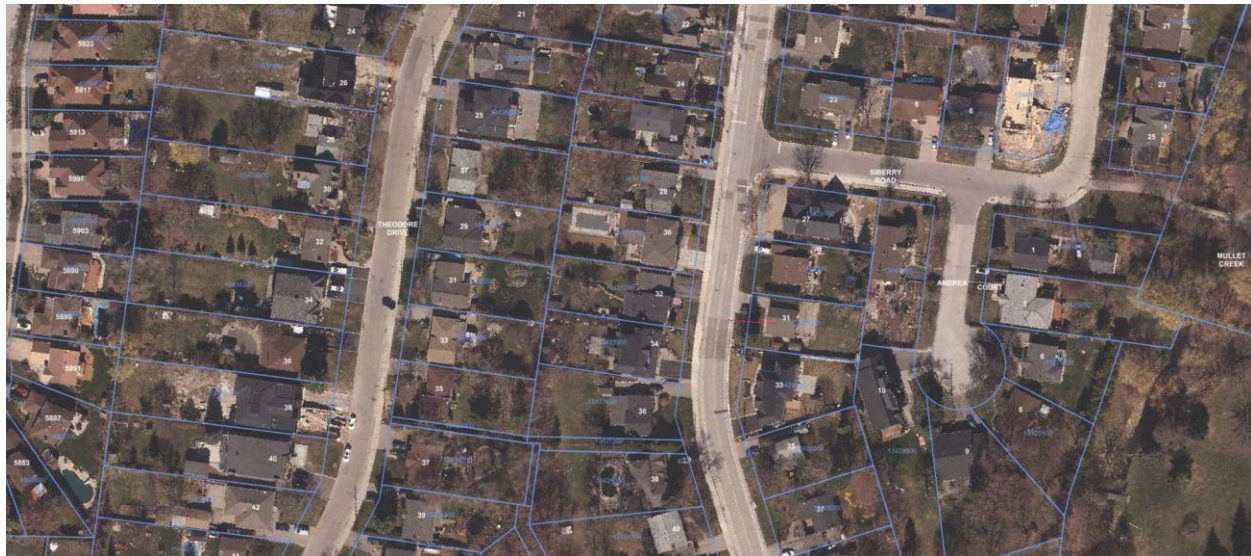
Zoning: R2-50 - Residential

Other Applications: BP 9NEW 22-3390

Site and Area Context

The subject property is located on the east side of Joymar Drive, south of the intersection with Britannia Road West. It currently contains a one and a half storey detached dwelling and has a lot area of +/- 696.37m² (7,495.77ft²). Limited vegetative/landscaping elements are present on the subject property. The surrounding area context is exclusively residential, consisting of detached dwellings on lots similar to or larger than the subject property.

The applicant is proposing to construct a new dwelling requiring variances for lot coverage, gross floor area, eave height, overall height, and setback to a below grade entrance.



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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits only detached dwellings in this instance. 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. Planning staff are satisfied that the built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Staff are therefore of the opinion that the application 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 reduced side yard to a below grade stairwell. The general intent of side yard regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and access to the rear yard remains unencumbered. Staff note that the stairs do not create any additional massing that could impact abutting properties. Furthermore no drainage concerns have been raised by City staff and access to the rear of the property is maintained on the opposite side of the dwelling.

Variances 2 & 4 relate to the overall and eave heights of the structure. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling. By lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground it will keep the dwelling within human scale. Due to the grading of the subject property the Average Grade, which is the level from where height is measured, is approximately 0.6m (2ft) below ground level around the entire dwelling. This limits the appearance of the dwelling's height from the streetscape. Staff are satisfied that the proposed dwelling's height is not excessive and represents an appropriate height.

Variance 3 requests an increase in lot coverage, and variance 5 requests an increase in gross floor area. 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. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. While these requests are generally higher than would be supportable in the surrounding area, staff note that the proposed dwelling's lot coverage represents only a minor increase from the as of right permission, with the majority of the remainder of the lot coverage increase being due to the large rear deck, which does not have the same impacts on massing compared to an enclosed structure. Regarding the gross floor area staff are satisfied that the impacts to both abutting properties and the streetscape are limited and note that the front and rear main walls are generally in line with the abutting properties. Staff are therefore satisfied that the lot coverage and gross floor area represents an appropriate balance between the existing and planned character of the area in this instance.

Given the above, Planning staff are satisfied that both the general intent and purpose of the zoning by-law are maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the application proposes appropriate development of the subject property.

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.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-3390. Based on review of the information currently available in this permit application, variances # 1, 2 and 4, as requested are correct.

In addition, we advise that more information is required to determine the accuracy of the remaining variances or to determine if any additional variances may be required.

Please note that comments reflect those provided through the above permit application 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Region of Peel

Servicing: Iwona Frandsen (905) 791 7800 x7920

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. All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 6 – Metrolinx

31 Joymar Dr

Metrolinx is in receipt of the minor variance application for 31 Joymar Dr to facilitate the construction of a new single detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Third Party Projects Review Intern