

City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A660.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 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 minor variances to allow the construction of a new dwelling proposing:

1. 2 kitchens in the dwelling whereas By-law 0225-2007, as amended, permits only 1 kitchen in the dwelling in this instance;
2. A dwelling depth of 21.67m (approx. 71.10ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
3. A gross floor area (infill residential) of 554.65sq m (approx. 5970.20sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 510.80sq. m (approx. 5498.21sq ft) in that instance;
4. An eaves height of 8.10m (approx. 26.57ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A dwelling height to the highest ridge of 10.13m (approx. 33.23ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
6. A driveway walkway attachment width of 1.68m (approx. 5.51ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance; and,
7. A window well encroachment into the side yard of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment into the side yard of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 1035 Indian Rd

Mississauga Official Plan

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

Zoning By-law 0225-2007

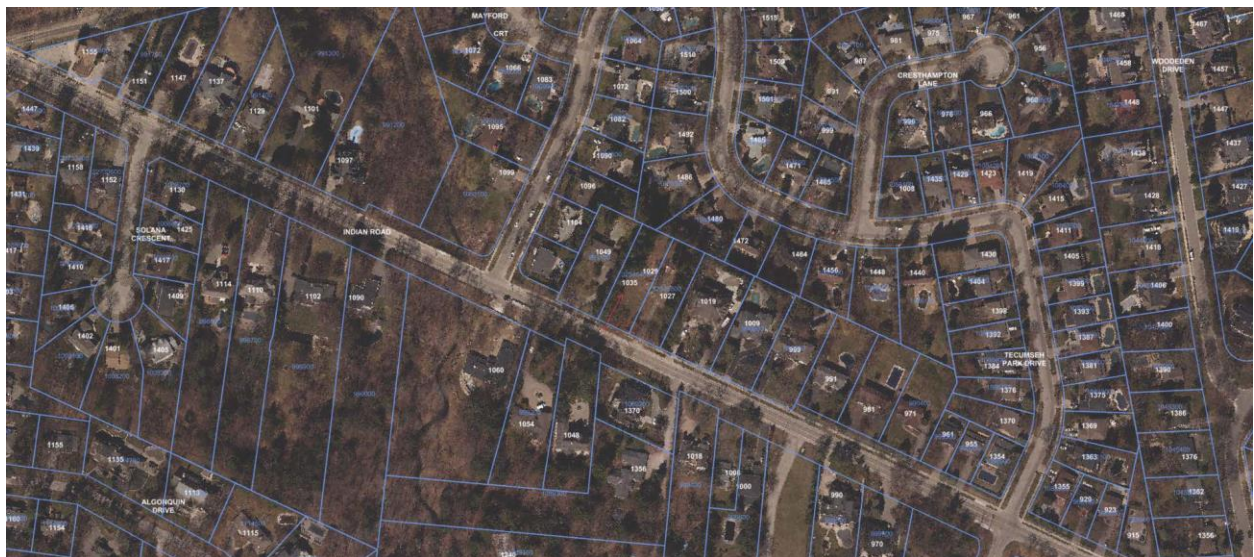
Zoning: R2-5 - Residential

Other Applications: SPI 22-80, PAM 22-123, SPI 18-87, PAM 18-166, SPI 17-4, PAM 16-341

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, east of the Lorne Park Road and Indian Road intersection. The immediate neighbourhood is primarily residential, consisting of a mix of one and two storey-detached dwellings on large lots with mature vegetation in the front yards. The subject property is currently vacant with mature vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to number of kitchens, dwelling depth, gross floor area, eave and dwelling height, walkway attachment width and window well 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 I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that 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 pertains to number of kitchens. The applicant is requesting a variance for two kitchens when only one is permitted in this instance. The intent of limiting the number of kitchens is to regulate the number of additional dwelling units in a dwelling. Staff have no concerns with the additional kitchen and no additional units are being proposed.

Variance #2 is for 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 easterly and westerly outer walls of the proposed dwelling are staggered and contain a variety of architectural features such as multiple roof lines and decorative columns that help to visually to break up the dwelling's massing.

Variances #3, 4 and 5 are regarding heights and gross floor area. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling incorporates various materials and architectural features, such as multiple rooflines, staggered walls and decorative columns that break up the dwelling, thereby minimizing the overall massing in relation to the streetscape and neighbouring properties. Additionally, the dwelling contains a staggered front façade and covered porch, which further mitigates the overall visual massing of the dwelling. Lastly, there is a 0.77m (2.53ft) height discrepancy between average and established grade. Therefore, when viewing the dwelling from the street, the eave height would appear to be 6.87m (22.54ft) and the overall height would appear to be 9.36m (30.71ft).

Variance #6 is for a driveway attachment width. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. Staff note that the walkway width proposed represents a minor deviation from the zoning by-law requirement and cannot accommodate parking due to its design and dimensions.

Variance #7 pertains to a window well encroachment. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines. Staff is of the opinion that the encroachment variance provides an adequate setback to the property line. Furthermore, this variance does not raise any concerns of a planning nature.

Staff is of the opinion that the proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the establish neighbourhood character. As such, 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 are being addressed through the Site Plan approval process, SPI-22/080.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 22-80. 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 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: Sherri Takaloo, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-22-660M / 1035 Indian Road

Servicing: Camila Marczuk (905) 791-7800 x8230

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. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. 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, Planning and Development Services