

City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A430.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 3:00:00 PM

Consolidated Recommendation

The City has no objections to the minor variance application, as amended. The applicant may wish to defer the application to ensure the requested variances are correct.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A gross floor area of 360.08 sq.m (approx. 3875.87 sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 340.76sq.m (approx. 3667 sq.ft) in this instance;
2. A combined side yard width of 4.86m (approx. 15.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard width of 5.35m (approx. 17.55ft) in this instance;
3. A flat roof height of 7.77m (approx. 25.49ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.5m (approx. 24.60ft) in this instance; and,
4. A lot coverage of 34.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 33% in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; staff would note variances #1 and 4 should be amended as follows:

1. A gross floor area – infill residential of 360.08 sq.m (approx. 3875.87 sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area – infill residential of 340.76sq.m (approx. 3667 sq.ft) in this instance;
4. A lot coverage of 34.42% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 33% in this instance.

Background

Property Address: 1235 Whittington Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1-Residential

Other Applications: SPI 22-43, PAM 22-75

Site and Area Context

The subject property is located north-west of the Clarkson Road North and Balsam Avenue intersection in the Clarkson neighbourhood. It currently contains a single storey detached dwelling with an attached garage. The property has an approximate lot frontage of +/- 19.81m (64.99ft) and an approximate lot area of +/- 754.39m² (8,120.19ft²), which are characteristic of the lots in the surrounding context. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding context is exclusively residential, consisting predominantly of single storey detached dwellings, however two-storey detached dwellings are also present.

The applicant is proposing to construct an addition to an existing residential detached dwelling requiring variances for gross floor area, lot coverage, combined side yard width and flat roof height



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*.

The Committee previously deferred the application on October 27, 2022. Staff noted concerns with the proposed gross floor area and side yard setback reductions. The applicant has revised their proposal by reducing the gross floor area from 375.50m² (4041.85ft²) to 360.08m² (3875.87ft²), lot coverage from 35% to 34.42%, and by increasing the combined side yard width from 4.56m (14.96ft) to 4.86m (15.94ft), respectively. The applicant has removed variances for interior side yard setbacks to the second storey and eave overhang from the proposal. The variance request for maximum height of a flat roof remains as previously requested.

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 (MOP), which permits detached, semi-detached, duplexes, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. 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 are of the opinion that the general intent and purpose of the MOP is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 and 3 propose an increased gross floor area (GFA) and overall dwelling height. The intent of the infill regulations regarding GFA and height is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling and bringing the edge of the roof closer to the ground. This gives the dwelling a more human scale. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as multiple roofs with varying heights along with a staggered façade that incorporates a mix of material, such as stone, stucco, wood trim and ironwork. The combination of these features help to minimize the overall massing of the dwelling in relation to the streetscape and neighbouring properties.

Variance #2 relates to combined side yard width. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff have no concerns with the variance as the proposed side yard setbacks provide an adequate buffer between the massing of the dwelling and adjacent properties, and maintain appropriate rear yard access.

Variance #4 relates to lot coverage. 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. Staff note that the dwelling itself covers 26.83% of the lot with the remainder of the coverage being attributed to a front porch (1.07%), rear uncovered deck (5.21%) and gazebo (1.31%). The dwelling itself is below the maximum 33% permitted. The additional coverage is only related to the front porch, rear uncovered deck and gazebo which do not pose significant massing concerns. Staff are of the opinion that the proposal is appropriate for both the lot and surrounding context.

As such, staff are 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?

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose any negative impact to the neighbourhood. Furthermore, the dwelling's staggered façade and architectural features breaks up the overall massing of the dwelling as a result of the increased gross floor area and building height. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing over the property as a whole and will not negatively impact the character of the streetscape. Staff are of the opinion that the application represents appropriate development of the lands and is minor in nature.

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 addition will be addressed by our Development Construction Section through the future Building Permit process.

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 22-43. 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: Brandon Eidner, Zoning Examiner