

# City of Mississauga Department Comments

Date Finalized: 2023-01-18	File(s): A688.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2023-01-26 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended. 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 minor variances to construct a new dwelling proposing:

1. A garage area of 126.11 sq.m (approx. 1357.43sq.ft) whereas By-law 0225-2007, as amended, permits a garage area of 75.00 sq.m (approx. 807.29sq.ft) in this instance;
2. An interior side yard setback of 2.56m (approx. 8.39ft) to the garage (east), whereas By-law 0225-2007, as amended, requires an interior side yard setback of 4.2m (approx. 13.77ft) to the garage (east) in this instance;
3. A driveway width of 16.72m (approx. 54.85ft) whereas By-law 0225-2007, as amended, permits a driveway width of 8.5m (approx. 27.88ft) in this instance;
4. An accessory structure area of 62.94 sq.m (approx. 677.48sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 60 sq.m (approx. 645.83sq.ft) in this instance;
5. A hammerhead driveway with dimension of 5.24m x 5.34m (approx. 17.19ft x 17.51ft) whereas By-law 0225-2007, as amended, requires a hammerhead driveway with dimensions of 2.6m x 3.0m (approx. 8.53ft x 9.84ft) in this instance;
6. A building height of 9.15m (approx. 30.01ft) whereas By-law 0225-2007, as amended, permits a building height of 7.50m (approx. 24.6ft) in this instance; and,
7. A building depth of 24.50m (approx. 80.38ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

## Amendments

Based on review of the information currently available in this permit application, variances # 2 and 3, as requested are correct.

In addition, the following variance should be amended as follows:

4. An accessory structure area of 62.94 sq.m (approx. 677.48sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 20.00 sq.m (approx. 645.83sq.ft) in this instance;

Furthermore, we advise that an additional minor variance is required for the combined area of all accessory structures and more information is required to verify the accuracy of the remaining variances.

## Background

**Property Address:** 2199 Parker Drive

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

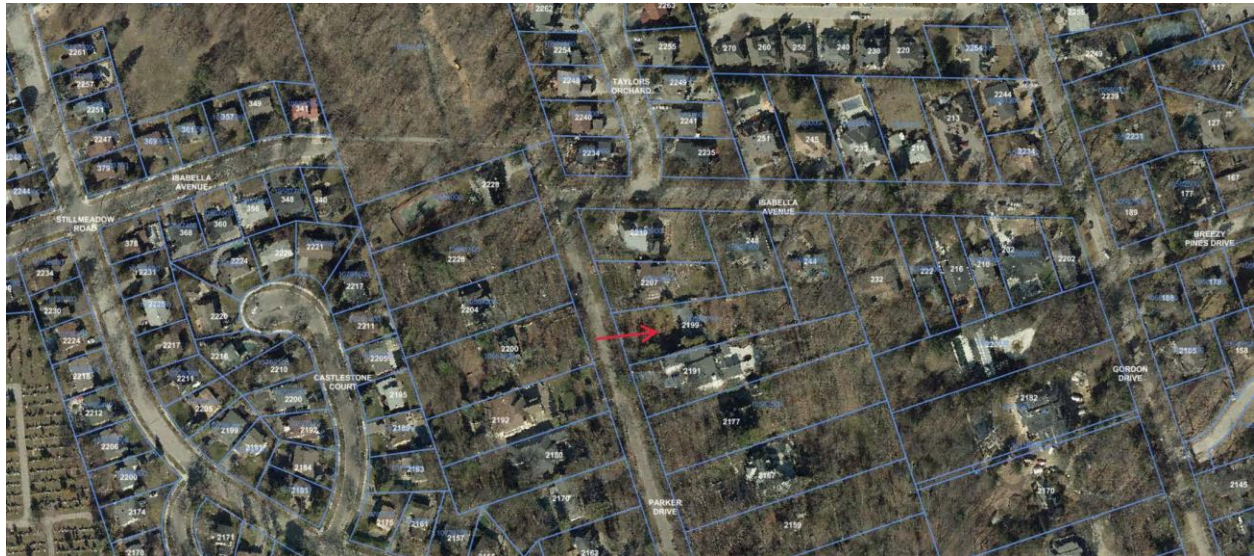
**Zoning:** R1-6-Residential

### Other Applications:

### Site and Area Context

The subject property is located south-east of the Queensway West and Stillmeadow Road intersection in the Cooksville neighbourhood, in an area known as Gordon Woods. The subject property currently contains a detached dwelling that is proposed to be demolished. It has a lot frontage of +/-32.93m (108.04ft) and a lot area of +/-3,057.99m<sup>2</sup> (32,915.93ft<sup>2</sup>). Significant mature vegetation is present on the subject property. The surrounding context consists of detached dwellings on lots of varying sizes.

The applicant is proposing to construct a new dwelling and accessory structure on the subject property requiring variances for garage area, side yard setback, driveway width, hammerhead size, accessory structure floor area, building height, and building depth.



## 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 Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits only detached dwellings in this instance. 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 property also forms part of Special Site 4, which includes policies surrounding the maintenance of vegetation and generous setbacks. Planning staff are satisfied that the proposal maintains the general intent and purpose of the official plan and the Special Site 4 policies.

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

Variance 1 requests an increased garage size. The intent in restricting the size of an attached garage is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space, rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from

multiple or excessive garage faces from a streetscape perspective. The proposed garage appears as a standard three car garage to the streetscape and will be appropriately screened from view by significant vegetation in the front yard. Staff are satisfied that the garage is appropriately sized for both the lot and the dwelling.

Variance 2 relates to a side yard setback on the property. The intent of the side yard regulations are to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered. The proposed reduction is measured to a pinch point at the rear corner of the garage due to the garage wall not being parallel to the property line. Staff are satisfied that despite the pinch point an adequate buffer is provided, access to the rear yard is maintained, and appropriate drainage patterns can be provided.

Variances 3 & 5 relate to an increased driveway width and hammerhead size. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The intent of hammerhead regulations are to ensure that an appropriate space can be provided to allow vehicles to turn around and exit the property forwards while discouraging parking on the hammerhead itself. In this instance the proposed driveway width includes the area marked as a hammerhead. Only a small portion of the driveway is the full requested width, and it appropriately narrows towards the streetscape with ample vegetation screening the driveway. The proposal maintains significant soft landscaping in the front yard and represents a more desirable driveway layout than a circular driveway, which would be permitted as of right on the subject property.

Variance 4 requests an increase in floor area for an accessory structure, and zoning staff have noted an additional variance is required from the combined area of accessory structures provision. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling, are clearly accessory to the principle use and that there are no massing concerns to neighbouring lots. Staff note that no setback or height variances have been requested, and that the structure represents approximately 2% of the total lot area. It is the opinion of staff that the proposed structure is proportional, clearly accessory, and does not pose any massing concerns.

Variance 6 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 dwelling is only 2 storeys, and staff note that the height is measured to a very small portion of a feature wall at the front of the dwelling. The majority of the roof structure has a height from "Average Grade" of 8.39m (27.53ft). Furthermore the Average Grade is located below grade for the majority of the dwelling, with a discrepancy of up to 0.47m (1.54ft) at certain points. Staff are satisfied that the dwelling maintains an appropriate height and will not present as its full requested height.

Variance 7 requests an increased dwelling depth. The intent of this provision is to minimize the impacts of long walls on neighbouring lots as a result of the massing. Staff note that the existing dwelling to the south has a significant depth and will not be impacted by the proposal.

Regarding the dwelling to the north, staff note that the proposed dwelling sits further forward on the property and aligns with the neighbour's front wall, and while it will extend beyond the rear wall of the neighbouring dwelling it will not extend as far back as the existing dwelling on the site and represents an improvement over the existing condition.

Given the above Planning staff are of the opinion that 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 of the opinion that the proposal represents appropriate development of the subject property. Impacts to the streetscape are limited due to the heavy vegetation on the property acting as a screen. The variances are minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

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 has processed a Preliminary Zoning Review application under file PREAPP 22-2126. Based on review of the information currently available in this permit application, variances # 2 and 3, as requested are correct.

In addition, the following variance should be amended as follows:

4. An accessory structure area of 62.94 sq.m (approx. 677.48sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 20.00 sq.m (approx. 645.83sq.ft) in this instance;

Furthermore, we advise that an additional minor variance is required for the combined area of all accessory structures and more information is required to verify the accuracy of the remaining variances.

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: Camila Marczuk (905) 791-7800 x8230

#### **Comments:**

- This site does not have frontage on existing municipal sanitary sewer.
- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. 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](mailto:siteplanservicing@peelregion.ca).
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Patti Menko – Junior Planner, Planning and Development Services