

City of Mississauga Department Comments

Date Finalized: 2023-02-01	File(s): A761.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-02-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the minor variance application. 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 a minor variance to allow the construction of a new dwelling proposing:

1. An eaves height of 7.32m (approx. 24.02ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
2. A highest ridge height of 10.16m (approx. 33.33ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
3. Stairs and retaining walls to permit a below grade entrance in the front yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in the front yard in this instance and,
4. A dwelling unit depth of 20.27m (approx. 66.50ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law, staff recommend that variance #4 be amended as follows:

4. A dwelling unit depth of 20.41m (approx. 66.96ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance

Background

Property Address: 920 Calder Rd

Mississauga Official Plan

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

Zoning By-law 0225-2007

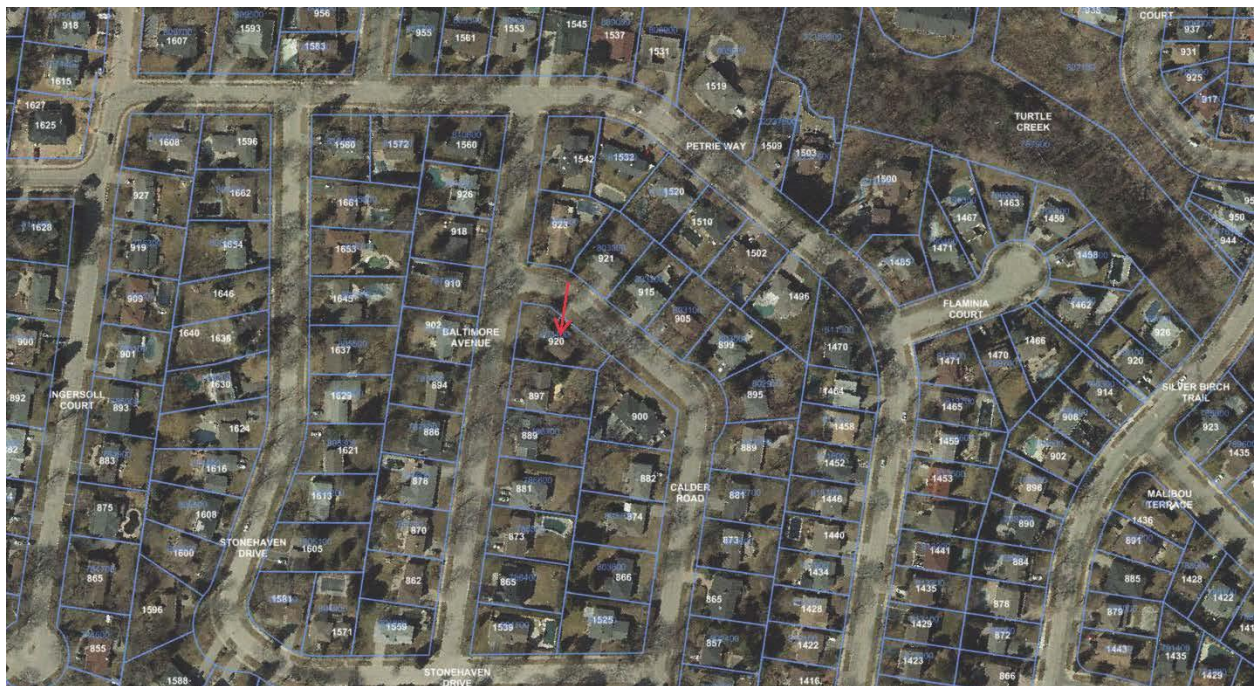
Zoning: R2-4 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-1975

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Clarkson Road South and Lakeshore Road West intersection. The immediate neighbourhood consists of a mix of one, one and a half and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one and a half storey detached dwelling with mature vegetation in the front yard.

The applicant proposes a new two-storey dwelling requiring variances related to height, stairs, retaining walls and dwelling unit 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, and duplex 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 with respect to 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 and will not negatively impact the character of the streetscape. Staff are 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?

Variances #1 and 2 propose increased heights. The intent of the infill regulations regarding height is to lessen the visual massing of the dwelling by 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, a staggered façade, large windows and a mix material, such as stone and stucco. The combination of these features help to minimize the overall massing of the dwelling in relation to the streetscape and neighbouring properties. Furthermore, staff note a 0.66m (2.17ft) discrepancy between average grade and established grade. Therefore, when viewing the dwelling's façade from the street, the dwelling's overall height and eave height would appear to be 0.66m (2.17ft) lower than the value of the variances. In this instance, if dwelling heights were measured from established grade, only an eave height variance of 6.66m (21.85ft) would be required. However, dwelling height is calculated from average grade in this instance.

Variance #3 proposes stairs and retaining walls to facilitate a below grade entrance within the front yard, facing the street. The intent of these provisions are to limit the visual impact of second entrances on streetscapes. Staff note that the stairs and retaining walls are below grade and hidden between two portions of the dwelling. Furthermore, the stairs and retaining walls are setback a minimum of 9m (29.53ft) from the front lot line. Therefore, the entrance, including stairs and retaining walls will not be visible from the streetscape. Staff note that the applicant is not proposing railings or other design elements with massing above grade to delineate the entrance's location. While the below grade entrance is technically in the front yard, the main entrance to the dwelling is located in the exterior side yard. Therefore the below grade entrance will have no impact on the dwelling's façade.

Variance #4 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. Planning staff have no concerns with the requested variance, as it represents a minor deviation from the zoning regulation. Furthermore, staff are of the opinion that the impact resulting from the variance is negligible.

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?

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 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 has processed a Preliminary Zoning Review application under file PREAPP 22-1975. Based on review of the information currently available in this permit application, variance #3, as requested is correct.

Furthermore, 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

Appendix 3 – Region of Peel

Minor Variance Application: A-761/22 – 920 Calder Road

Development Engineering: 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.
- 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.
- 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