

City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A42.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 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 permit the construction of a new dwelling proposing:

1. A west interior side yard setback to the second storey of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.41m (approx. 7.91ft) in this instance;
2. A second storey eave west interior side yard setback of 1.56m (approx. 5.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.96m (approx. 6.43ft) in this instance;
3. A combined eaves side yard setback of 3.03m (approx. 9.94ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 7.17m (approx. 23.52ft) in this instance;
4. An eaves height of 6.98m (approx. 22.90ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A garage projection beyond the front wall of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
6. A gross floor area of 422.51sq m (approx. 4547.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 376.94sq m (approx. 4057.35sq ft) in this instance; and,
7. A driveway width of 6.29m (approx. 20.64ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Amendments

Zoning staff advise that the following variance should be amended:

2. A second storey eave west interior side yard setback of 1.55m (approx. 5.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.96m (approx. 6.43ft) in this instance.

Furthermore, Zoning staff advise that the combined width of side yards variance (# 3) should be expressed as a percentage. The applicant may wish to revise the variance accordingly during the hearing.

Background

Property Address: 1417 Wateska Blvd

Mississauga Official Plan

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

Zoning By-law 0225-2007

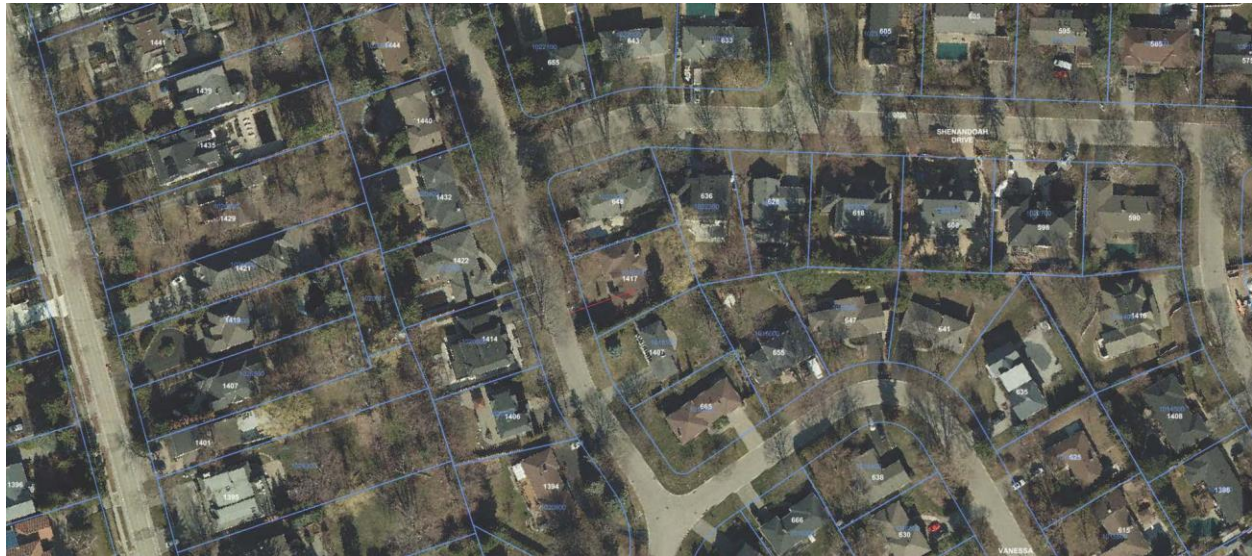
Zoning: R2-4 - Residential

Other Applications:

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of the Indian Road and Mississauga Road intersection. The immediate neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property contains a one-storey dwelling with mature vegetation in the property's front yard.

The applicant is proposing a new two-storey dwelling requiring variances related to side yards, eave height, garage projection, gross floor area and driveway width.



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 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, 2 and 3 pertain to side yard setbacks to eaves and to the second storey of the dwelling. 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. Through a review of the immediate neighbourhood, similar deficiencies are common for newer detached dwellings. The proposed setbacks maintain an adequate buffer to the neighbouring properties.

Variances #4 and 6 relate to eave height 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 a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as large windows, multiple rooflines, dormers and a staggered façade. The combination of these features help to minimize the overall massing impact in relation to the streetscape and neighbouring properties. Further, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #5 is for a garage projection. The intent of the zoning by-law is to maintain a consistent streetscape while ensuring the garage is not the dominant feature of the dwelling. The applicant has proposed a covered porch, which projects further into the front yard (dimension excluded from drawings) than the proposed garage projection. This softens the garage's projection and impact to the streetscape. Furthermore, examples of dwellings with projecting garages can be found within the immediate area.

Variance #7 pertains to driveway width. The planned character of the area is that of residential dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The intent of the walkway attachment regulations are to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff are satisfied that the proposed width will restrict the parking to no more than two vehicles across and maintains sufficient soft landscaping area to maintain the character of the surrounding area.

Staff is 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 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 is currently processing a Site Plan Infill application under file SPI 22-117. Based on review of the information currently available in this permit application, variances # 1, 4, 5, and 6, as requested is correct.

In addition, we advise that the following variance should be amended:

2. A second storey eave west interior side yard setback of 1.55m (approx. 5.12ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.96m (approx. 6.43ft) in this instance.

Furthermore, we advise that the combined width of side yards variance (# 3) should be a percentage.

Lastly, 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

We have no comments or objections to this application.

Comments Prepared by: Patrycia Menko, Junior Planner