

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A736.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 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 a minor variance to allow the construction of a new dwelling proposing:

1. A front yard setback to the eaves overhang of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.05m (approx. 23.13ft) in this instance;
2. A height to the eaves overhang of 6.96m (approx. 22.83ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 32.86% (243.72sq m (approx. 2623.38sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (222.53sq m (approx. 2395.30sq ft)) in this instance;
4. A southern interior side yard setback to the second storey eaves overhang of 0.80m (approx. 2.63ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
5. A gross floor area of 45.7% (338.98sq m (approx. 3648.75sq ft)) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 40.2% (298.35sq m (approx. 3211.41sq ft)) in this instance; and,
6. A driveway width of 7.49m (approx. 24.57ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.67ft) in this instance.

Amendments

Based on review of the information currently available in this application, variances # 2, 4 and 6, as requested are correct.

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

1. A front yard setback to the **second storey eaves overhang** of 6.93 m (approx.. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the eaves overhang of 7.05 m (approx. 23.13ft), in this instance.

Furthermore, the **lot coverage calculation appears to be slightly greater** than proposed after including the portions of the rear porch (covered patio below) that are located under and project past the rear deck on either side.

Lastly, the **GFA – Infill Residential calculation appears to be slightly lower** after the void area (e.g. stairs) is excluded from the entire calculation.

Background

Property Address: 26 Earl Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69-Residential

Other Applications:

Site and Area Context

The subject property is located south-east of the Britannia Road West and Queen Street South intersection in the Streetsville neighbourhood. It currently contains a one and a half-storey detached dwelling with a detached garage. Some landscaping and vegetative elements are present in both the front and rear yards, including a mature tree in the front yard. The property has a lot frontage of +/- 15.24m (50ft) and a lot area of +/- 742.9m² (7,996.5ft²), characteristic of the surrounding area. The surrounding area context is predominantly residential, consisting mostly of detached dwellings, however commercial and industrial uses are present along both Britannia Road West and Queen Street South.

The applicant is proposing to construct a new dwelling requiring variances for front yard setback to the eaves, side yard setback to the eaves, lot coverage, gross floor area, driveway width and eave 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*.

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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This 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 applicant is proposing a detached dwelling, and staff are satisfied that the overall proposal maintains the general intent and purpose of the official plan.

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

Variance 1 requests a reduced front yard measured to the eaves. Staff note that no variance is required for the front wall of the dwelling. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Planning staff are of the opinion that the proposed reduction is minor in nature and will not have significant impacts to the streetscape. Furthermore the proposed setback generally aligns with the abutting dwellings.

Variance 2 requests an increase to eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns in this instance, and staff note that the slope of the property places the “Average Grade” below the finished grade at the front of the dwelling. Furthermore staff note that no overall height variance has been requested, limiting the impacts of the massing of the structure.

Variance 3 requests an increase in 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. In this instance the proposed dwelling represents less than 30% of the lot coverage, with the front and rear decks as well as oversized eaves pushing the development over the maximum permitted lot coverage. It is the opinion of staff that these porches and additional overhangs do not create the same massing impact as the dwelling itself and staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance 4 requests a reduction in the side yard setback measured to the eaves on the southerly side. The intent of this regulation is to ensure an appropriate buffer between structures on abutting properties. Staff note that the setback is only for a small portion of the side wall, near the front of the dwelling, after which the building steps back and the setback increases. In this instance an appropriate buffer is maintained, and staff note that the main walls of the dwelling maintain the required setbacks.

Variance 5 pertains to an increase in Gross Floor Area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the proposal appropriately balances both the existing and planned built form and character of the neighbourhood. Furthermore the dwelling is designed with broken up main walls, limiting the impacts of the massing.

Variance 6 proposes an increased driveway width. 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 proposed driveway is an appropriate width to accommodate two vehicles across while maintaining an appropriate soft landscaped area in the front yard. Furthermore the proposal does not request excessive hard surface area above the requirement for two vehicles side by side. The width is measured at the widest point of the driveway and the proposed design will not be able to facilitate the parking of 3 vehicles across.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 dwelling will be addressed by our Development Construction Section through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-3938. Based on review of the information currently available in this application, variances # 2, 4 and 6, as requested are correct.

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

1. A front yard setback to the **second storey eaves overhang** of 6.93 m (approx.. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the eaves overhang of 7.05 m (approx. 23.13ft), in this instance.

Furthermore, the **lot coverage calculation appears to be slightly greater** than proposed after including the portions of the rear porch (covered patio below) that are located under and project past the rear deck on either side.

Lastly, the **GFA – Infill Residential calculation appears to be slightly lower** after the void area (e.g. stairs) is excluded from the entire calculation.

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-22-736M – 26 Earl Street

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

Appendix 4- Metrolinx

26 Earl Street

Metrolinx is in receipt of the minor variance application for 26 Earl St to facilitate the construction of a new dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Canadian Pacific Railway's (CP Galt) Subdivision which carries Metrolinx's Milton GO Train service.
- We note that the proposed works on the subject property are beyond 300m of Metrolinx's adjacent development review zone and as such, Metrolinx has no objections to the proposed variances should the committee grant approval.
- The Proponent is advised the following:

- **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Intern