

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A573.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 excessive area of 24.53 sq.m (approx. 264.03ft) for the accessory structure whereas by-law 0225-2007, as amended, permits a maximum area of 20.00sq.m (approx. 215.27ft) for an accessory structure in this instance;
2. A lot coverage of 34.89% whereas by-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
3. A dwelling unit depth of 20.52m (approx. 67.32ft) whereas by-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.61ft) in this instance;
4. A gross floor area of 399.54 sq.m (approx. 4300.61sq.ft) whereas by-law 0225-2007, as amended, permits a maximum gross floor area of 317.17 sq.m (approx. 3413.98sq.ft) in this instance;
5. An eaves height of 7.34m (approx. 24.08ft) whereas by-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 20.99ft) in this instance;
6. A setback of 0.92m (approx. 3.01ft) to the eaves on the right side whereas bylaw 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) to the eaves on the right side in this instance;
7. A setback of 1.02m (approx. 3.34ft) to the eaves on the left side whereas bylaw 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) to the eaves on the left side in this instance;
8. A side setback of 1.47m (approx. 4.82ft) to the second floor (left side) whereas by-law 0225-2007, as amended, requires a side setback of 1.81m (approx. 5.93ft) to the second floor (left side) in this instance; and,
9. A side setback of 1.37m (approx. 4.49ft) to the second floor (right side) whereas by-law

0225-2007, as amended, requires a side setback of 1.81m (approx. 5.93ft) to the second floor (right side) in this instance.

Background

Property Address: 20 Joseph Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69-Residential

Other Applications: BP 9NEW 22-4245

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 single storey detached dwelling. Limited landscaping and vegetative elements are present in both the front and rear yards. The property has a lot frontage of +/- 15.24m (50ft) and a lot area of +/- 834.62m² (8,983.77ft²), which is characteristic of the surrounding area. The surrounding area context is predominantly residential, consisting exclusively of detached dwellings.

The applicant is proposing to construct a new dwelling requiring variances for lot coverage, gross floor area, dwelling depth, eave height, side yard setbacks and accessory structure area.



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 relates to the floor area of one of the proposed accessory structures. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory, while not presenting any massing concerns to neighbouring lots. Staff note that the proposed floor area represents a relatively minor deviation from the zoning by-law. Furthermore staff do not anticipate any massing concerns as the majority of the structure does not contain walls.

Variance 2 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 accessory structures and front and rear porches pushing the development over the maximum permitted lot coverage. It is the opinion of staff that the porches do not create the same massing impact as the dwelling itself, and the accessory structures distribute the massing across the entire lot rather than containing it all within the primary structure. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance 3 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 dwelling itself meets the zoning by-law, however the proposed front columns are included in the dwelling depth calculation. The inclusion of the columns in the dwelling depth measurement pushes the dwelling depth over 20 metres, triggering the variance. Staff are satisfied that the columns are a one storey decorative element and will not add additional massing to the dwelling.

Variance 4 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, the design of the dwelling uses varying main walls in order to limit the impacts of massing. Furthermore the front and rear main walls are generally in line with the dwelling immediately to the south, maintaining a consistent character along both the streetscape and for the properties to the rear. Staff are satisfied that the proposal appropriately balances both the existing and planned built form and character of the neighbourhood.

Variance 5 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. Furthermore staff note that no overall height variance has been requested, limiting the impacts of the massing of the structure.

Variances 6 through 9 relate to the side yard setbacks on the property, measured to both the walls of the structure and the eaves. 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 side yard setbacks to the dwelling wall are only requested for the second storey as the proposed first storey setbacks comply with the by-law. As no ground level setbacks are being requested staff are satisfied that appropriate drainage patterns and unencumbered access to the rear yard can be maintained. Planning staff are further of the opinion that the construction of the second storey directly on top of the first storey walls will not create additional massing concerns in this instance and will maintain an appropriate buffer between structures.

Given the above Planning staff are of the opinion that the variances, both cumulatively and individually, 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 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 is currently processing a Building Permit under file BP 9NEW 22-4245. 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: Sherri Takaloo, Zoning Examiner

Appendix 3- Region of Peel

Servicing: 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.
- 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