

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A545.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. 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. A lot coverage of 32.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. A gross floor area of 410.06sq m (approx. 4413.85sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 373.92sq m (approx. 4024.84sq ft) in this instance;
3. A building depth of 22.14m (approx. 72.64ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance; and,
4. A setback to the eaves of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eaves of 1.96m (approx. 6.43ft) in this instance.

Background

Property Address: 1276 Twin Oaks Dell

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 Plan Infill application under file SPI 22-100 W2

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Truscott Drive and Lorne Park Road intersection. The immediate neighbourhood consists mainly of residential uses, in the form of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a two-storey dwelling requiring variances related to lot coverage, dwelling depth, setback to eaves and gross floor 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 designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. New housing is encouraged to fit the scale and character of the surrounding area to

ensure that the new development has minimal impact on adjacent neighbours regarding 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. The new development will not negatively impact the character streetscape. Staff is 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?

Variance #1 is for lot coverage. The intent of the zoning regulation is to ensure that there isn't an overdevelopment of the lots. In this instance, the proposed dwelling's footprint maintains a lot coverage of approximately 24%, which is less than the maximum permitted under the by-law. The remaining lot coverage is attributed to a canopy, eave overhang, porch and deck, which do not add significant massing to the proposed dwelling.

Variance #2 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. 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 #3 pertains to dwelling depth. The intent of the dwelling depth regulation is to minimize impacts of building massing on neighbouring lots as a direct result of the length of the building's walls. Staff note that the northerly and southerly walls of the proposed dwelling are staggered and contain a variety of construction materials which helps to visually to break up the dwelling's massing.

Variances #4 is for a setback to 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. 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.

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.

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 are being addressed through the Site Plan approval process, SPI-22/100.



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 22-100 W2. Based on review of the information currently available in this permit application, variances # 2, 3 and 4, as requested are correct.

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In addition, 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: Maria Fernandez, 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