

# City of Mississauga Department Comments

Date Finalized: 2023-07-12	File(s): A71.23
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2023-07-20 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 a minor variance to allow the construction of a new house proposing:

1. A gross floor area –infill residential of 376.25sq m (approx. 4049.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 307.42sq m (approx. 3309.04sq ft) in this instance;
2. 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;
3. A lot coverage of 28.83% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance; and,
4. A garage projection of 2.59m (approx. 8.49ft) whereas By-law 0225-2007, as amended, permits a garage projection of 2.00m (approx. 6.56ft) in this instance.

## Background

**Property Address:** 66 Theodore Dr

### Mississauga Official Plan

Character Area: **Streetsville Neighbourhood**  
Designation: **Residential Low Density I**

### Zoning By-law 0225-2007

**Zoning:** **R2-50 - Residential**

**Other Applications: None****Site and Area Context**

The subject property is located south-east of the Britannia Road West and Erin Mills Parkway intersection in the Streetsville neighbourhood. It currently contains a side split detached dwelling on a lot with a lot area of +/- 784.21m<sup>2</sup> (+/-8,441.17ft<sup>2</sup>), characteristic of lots along this portion of Theodore Drive. Some mature vegetation is present in both the front and rear yards of the subject property. The surrounding area context is predominantly residential consisting exclusively of detached dwellings on lots of varying sizes. The property is in close vicinity to the Streetsville Secondary School on the south side.

The applicant is proposing to construct a new dwelling on the subject property requiring variances for garage projection, eave height, lot coverage 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 located in the Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits only detached dwellings in this instance. Section 9 of the 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. Planning staff are satisfied that the built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Staff are therefore of the opinion that the application 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 an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to 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 revised proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study. Furthermore, the architecture of the proposed dwelling breaks up the massing of the front wall through the use of materials, while maintaining the required front and rear setbacks.

Variance 2 relates to the height of the eaves. The intent of restricting height is to lessen the visual massing of the dwelling thereby keeping the dwelling to a human scale. Staff are satisfied that the proposed increase is minor in nature and will not create any additional undue impacts to the streetscape or abutting properties when compared to an as of right condition. Furthermore staff note that no overall height variance is requested, limiting the impacts of the height.

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. Staff note that the enclosed dwelling itself represents a lot coverage of 26.39%, which is a modest increase from the permissions of the by-law. A portion of the increased lot coverage is attributable to the covered porch and roof overhangs which do not have the same impacts on building massing as compared to an enclosed structure. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

Variance 4 requests an increased garage projection. The intent of the zoning by-law is to maintain a consistent streetscape while ensuring the garage does not become the dominant feature of the dwelling. Staff are satisfied that the overall design of the dwelling does not over-emphasize the garage and the impact of the projection is mitigated by the presence of the front covered porch and balcony which projects further forward than the main front wall of the dwelling.

Given the above, staff are satisfied that the application maintains 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?**

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Planner in Training

## 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

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

**Appendix 3 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner