

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A354.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing:

1. A dwelling unit depth of 23.35m (approx. 76.61ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
2. A lot coverage of 31.80% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
3. An eaves height of 6.59m (approx. 21.62ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. An interior side yard setback of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A walkway width of 1.92m (approx. 6.30ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and,
6. A gross floor area of 297.41sq m (approx. 3201.29sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 284.59sq m (approx. 3063.30sq ft) in this instance.

Background

Property Address: 7165 Justine Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69- Residential

Other Applications: BP 9ALT 23-6962

Site and Area Context

The subject property is located within the Malton Neighbourhood Character Area, northwest of Derry Road East and Goreway Drive. It currently contains a one-storey detached dwelling with an attached garage. It is a corner lot with a lot frontage of +/- 19.80m (64.96ft) and a lot area of +/- 667.64m² (7,186.41ft²). Limited landscaping and vegetative elements are present throughout the subject property. The surrounding area context is exclusively residential, consisting of detached dwellings on lots of generally similar sizes.

The applicant is proposing an addition requiring variances for dwelling unit depth, lot coverage, eaves height, interior side yard setback, walkway width 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 in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. 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 proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, maintaining the existing and planned context of the surrounding neighbourhood. As such, 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 requests an increase in dwelling depth. The intent of the provision is to minimize the impacts of long walls on neighbouring lots as a result of the massing. While the proposed dwelling depth appears to be excessive, staff note the existing dwelling is only one-storey in height and will remain as such. The existing one-storey dwelling will account for a dwelling depth of 11.16m (36.61ft), while the remaining dwelling depth pertains to the proposed two-storey addition. This reduces the appearance of a long wall on the neighbouring property, which is a two-storey dwelling.

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. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings. It is appropriately sized and situated on the subject property, minimizing any potential impact.

Variance 3 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 at a human scale. The proposal requests a minor increase in eave height that does not have a significant impact on the massing of the dwelling. Furthermore staff note that an overall height variance has not been requested, which helps keep the massing within an appropriate scale.

Variance 4 pertains to a reduce side yard setback. The general intent of this portion of the by-law is to ensure an adequate buffer exists between the massing of structures on adjoining properties as well as ensuring access to the rear yard and drainage patterns are preserved. The proposed setback will ensure buffers and access are maintained. Further, Transportation and Works staff have not raised any drainage related concerns.

Variance 5 relates to an increase in width to the proposed walkway attachment. The intent of this portion of the by-law is to provide a convenient and dedicated pathway to accommodate pedestrians as well as to define an entryway to the dwelling. The walkway cannot be utilized for parking purposes. Staff are satisfied that the walkway attachment is appropriately sized for the property and will not permit parking on the walkway.

Variance 6 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 proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the by-law.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore staff are satisfied that the impacts to the abutting property and the streetscape will be minor in nature.

Comments Prepared by: Daniel Grdasic, 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 addition will be addressed through the Building Permit Process. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9ALT 23-6962. Based on review of the information currently available in this application, the variances, as requested are correct.

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: Gary Gagnier; Zoning Examiner

Appendix 3- Region of Peel

Minor Variance: A-23-354M – 7165 Justine Dr

Development Engineering: Brian Melnyk (905) 791-7800 x3602**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