

# City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A234.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. 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 a new dwelling proposing:

1. A lot coverage of 30.22% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance;
2. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
3. A total garage area of 243.02sq m (approx. 2615.84sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.30sq ft) in this instance;
4. A gazebo area of 69.65 sq.m (approx. 749.70 sq.ft) whereas By-law 0225-2007, as amended, permits a gazebo area of 20.00 sq.m (approx. 215.28sq.ft) in this instance; and,
5. To permit an accessory structure (gazebo) with an area of 69.65 sq.m (approx. 749.70 sq.ft) which is linked to the dwelling by a below grade tunnel (39.60 sq.m (approx. 426.25sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure(gazebo) with an area of 20 sq.m (approx. 215.27 sq.ft) in this instance; and,
6. A lot area of 2431.66 sq.m (approx. 26174.17 sq.ft) whereas By-law 0225-2007, as amended, requires a lot area of 3500 sq.m (approx. 37673.69 sq.ft) in this instance.

## Background

**Property Address:** 157 Harborn Trail

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

Zoning: R1- 6 - Residential

Other Applications: None

### Site and Area Context

The subject property is located north-west of the Hurontario Street and Queen Elizabeth Way interchange in the Cooksville neighbourhood. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwelling with mature vegetation in the front and rear yards. The subject property contains a two-storey detached dwellings with mature vegetation throughout.

The applicant is proposing to construct a new two-storey detached dwelling requiring variances for lot coverage, number of garages, garage area, accessory structure area and lot 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 Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits only detached dwellings in this area. 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 property is further subject to the policies of Special Site 4, providing high level development guidelines, such as preserving generous yards, protecting landscaping and natural features, limiting hardscaping, de-emphasizing height and ensuring new housing fits the scale and character of the surrounding neighbourhood. Based on a review of the relevant official plan policies, including the policies of Special Site 4, staff are satisfied that the 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 an increase in lot coverage for the subject property. The intent in restricting lot coverage is to ensure there isn't an overdevelopment of the lot and that massing impacts are limited. Staff note the proposed lot coverage is divided between the main dwelling, associated covered porch and deck, which account for approximately 27.4% lot coverage, with the rear gazebo accounting for the rest. This has the effect of dividing up the massing across the lot and limiting impacts to abutting properties. Staff are satisfied that the design of the proposed dwelling is sympathetic to both the planned character of the area and existing dwellings.

Variances 2 and 3 relate to the proposed garages on the subject property. The applicant has proposed a total of two attached garage spaces with one garage area located at grade, and the second garage space located below grade. The intent in restricting the overall number of and size of garages is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. The at grade garage space contains a ramp that leads into the larger below grade garage area (168.02m<sup>2</sup>), which is hidden below the dwelling's façade, mitigating any potential massing concerns and limiting its impact on the streetscape. The combination of garages' locations, coupled with the property's configuration results in this portion of the structure being almost completely concealed from a streetscape perspective. Staff are satisfied that both garage spaces are appropriately sized for both the lot and the dwelling.

Variances 4 and 5 request an increased floor area for an accessory structure. 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. The proposed structure does not require any height or setback variances and represents less than 5% of the total lot area. Staff are satisfied that the impacts of the massing of the structure are minimal and that the structure is proportional to the lot.

Variance 6 requests a reduction in lot area. Minimum lot area is intended to establish an appropriate lot pattern and minimum standards for development. Staff note the size of the lot is an existing condition and the subject property mirrors the lot size of the abutting property to the south. Staff are of the opinion that the decreased lot area combined with the proposed dwelling does not represent overdevelopment of the lot and fit appropriately into the surrounding context.

Given the above, staff are of the opinion that the proposal 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?**

Planning staff are of the opinion that the proposal represents appropriate development of the subject property and that the impacts to the abutting properties 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 new dwelling will be addressed through the Building Permit Process.

Comments Prepared by: Joe Alava, T&W Development Engineering



**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