

City of Mississauga Department Comments

Date Finalized: 2023-12-07	File(s): A203.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-12-14 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances #1, 2, 3 and 5, however recommends that variance #4 be refused.

Application Details

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

1. An underside eaves height of 7.64m (approx. 25.06ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
2. A combined side yard setback of 6.40m (approx. 20.99ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.09m (approx. 26.54ft) in this instance;
3. An allowable balcony area in the rear yard of 18.98sq m (approx.204.29sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony area of 10.00sq m (approx. 107.64sq ft) in this instance;
4. A driveway width of 9.43m (approx. 30.94ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
5. A gross floor area (infill residential) of 574.22sq m (approx. 6180.85sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 497.63sq m (approx. 5356.44sq ft) in this instance.

Background

Property Address: 1236 Echo Drive

Mississauga Official Plan

Character Area: Clarkson Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Other Applications: Building Permit application BP 9NEW 23-6254

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, east of the Lakeshore Road West and Owenwood Drive. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in both of the front and rear yards.

The applicant is requesting permission to construct a new two-storey detached dwelling requiring variances related eave height, combined side yard setback, balcony area, driveway 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*.

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings.

The subject application was deferred on July 13, 2023. Planning staff identified concerns regarding variances for eave height, balcony area, garage area and gross floor area.

The applicant has submitted a revised proposal to address the noted concerns. The revised proposal no longer requires a variance for building height, dwelling depth, lot coverage or garage area.

Staff note the applicant has also revised the proposed eave height, combined side yard setback, balcony area and gross floor area. The proposed eave height has been reduced from 7.87m (25.82ft) to 7.64m (approx. 25.06ft). The combined side yard setback has increased from 5.17m (16.97ft) to 6.40m (20.99ft). The balcony area has reduced from 88.43m² (951.82ft²) to 18.98m² (204.29ft²). Lastly, the gross floor area has reduced from 706.07m² (7600.07ft²) to 574.22m² (6180.85ft²).

Planning staff are satisfied that the revised proposal addresses concerns noted in their previous comments.

Variances #1 and 5 relate to eave height and gross floor area. The intent of the infill regulations is to maintain compatibility between existing and new dwellings by lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the overall massing of the dwelling, such as multiple roofs with varying heights and a diverse set of building materials. The combination of these features help to keep the overall massing of the dwelling inline with the established streetscape and neighbouring properties. Further, 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 #2 is regarding combined side yard width. Staff note that the proposed side yards are consistent with side yards found within the immediate area.

Variance #3 is for balcony area. Planning staff are of the opinion that the requested variance is minor in nature and will not pose any privacy or overlook concerns. The proposed balcony is located in the rear yard, which abuts Lakeshore Road West to the north. Furthermore, no side yard setbacks are required to the balcony, negating any impacts to the adjacent neighbours to the east and west.

Variance #4 is with respect to driveway width. The zoning by-law permits a maximum driveway width of 10.5 meters (34.45 ft.) within 6 meters (19.69 ft.) of the garage face and 8.5 meters (27.89 ft.) beyond 6 meters (19.69 ft.) of the garage face on a property of this size. This provision aims to facilitate an entrance into a 3-car garage while mitigating streetscape impacts by limiting the driveway width closer to the street.

Planning staff are of the opinion that the requested variance is incorrect. Staff note that the site plan illustrates a 2.77m (9.1ft) wide walkway which spans the full length of the proposed driveway. Through discussions with Zoning staff, Planning staff have determined that this width

must be included in the calculation driveway width. Furthermore, the proposed driveway, though offering direct access to a 3-car garage, extends beyond the garage face, resulting in unnecessary additional hardscaping. Lastly, the driveway does not taper as it extends toward the street. Therefore, the applicant may be widening portions of the municipal boulevard. Planning staff are unable to support this variance as the proposed width would not meet the intent of the zoning by-law and recommend that variance #4 be refused.

As such, Planning staff have no concerns regarding variances #1, 2, 3 and 5, however recommend refusal of variance #4 as the proposed variance, in its current form, is incorrect and does not align with the intent of the zoning by-law.

Comments Prepared by: Connor DiPietro, 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 dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/6254.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-6254. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: DEF-A-23-203M – 1236 Echo Drive

Development Engineering: 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.
- 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.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject property is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner