

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A255.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling proposing:

1. A front yard setback of 7.21m (approx. 23.65ft) to the dwelling whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) in this instance;
2. A front yard setback of 5.56m (approx. 18.24ft) to the front porch whereas By-law 0225-2007, as amended, requires a front yard setback of 5.90m (approx. 19.35ft) in this instance;
3. An interior side yard setback of 1.17m(approx. 3.83ft) to the west whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the west in this instance;
4. An interior side yard setback of 0.76m(approx. 2.49ft) to the west eaves whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.36m (approx. 4.46ft) to the west eaves in this instance;
5. A combined side yard setback of 3.30m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
6. A height of 6.80m (approx. 22.30ft) to the underside of the eaves whereas By-law 0225-2007, as amended, permits a height of 6.40m (approx. 20.99ft) to the underside of the eaves in this instance;
7. A gross floor area of 353.43sq m (approx. 3804.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 325.56sq m (approx. 3504.29sq ft) in this instance;
8. A garage projection of 0.99m (approx. 3.24ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
9. A front yard setback of 5.56m (approx. 18.24ft) to the pilaster whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) to the pilaster in this

instance;

10. A front yard setback of 5.28m (approx. 17.32ft) to the eaves whereas By-law 0225-2007, as amended, requires a front yard setback of 7.05m (approx. 23.12ft) to the eaves in this instance.

Background

Property Address: 1918 Barsuda Drive

Mississauga Official Plan

Character Area: Clarkson Lorne-Park Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1-Residential

Other Applications: None

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Truscott Drive and Southdown Road intersection. The immediate neighbourhood primarily consists of a mix of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant proposes a new detached dwelling requiring variances related to setbacks, combined side yard width, height, gross floor area and garage projection.



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:

Staff note this application was deferred on September 21, 2023 due to excessive gross floor area (GFA) and eave height. The applicant has since worked with planning staff to revise the proposal to address staff concerns and reduce the proposed GFA and eave height.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Section 16.5.1.4 (Infill Housing) encourages infill housing to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The proposed detached dwelling respects the designated land use. Staff are of the opinion that the proposal will not negatively impact the character of the streetscape and 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, #2, #9 and #10 pertain to front yard setbacks measured to the dwelling, the front porch, the pilaster and the eaves respectively. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard

space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff have no concerns with the requested variances, as they are consistent with front yards found within the immediate area. Staff note the reduced front yard setback is measured to a pinch point due to the irregular shape of the lot and that the majority of the dwelling meets the required front yard setback of 7.50m (24.60ft). Furthermore, staff note that the reduced front yard is required to accommodate the eaves, a porch and an architectural feature. Staff are of the opinion that these dwelling features do not present any massing concerns. Staff are of the opinion that the reduction in the front yard is minor and that adequate front yard amenity space is maintained in this instance.

Variance #3 and #4 pertain to side yard setbacks and variance #5 requests a reduced combined side yard width. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and to ensure access to the rear yard remains unencumbered. Staff note the reduction in the side yard setback is measured to the second storey and the eaves. The first storey meets the minimum side yard setback requirement and the applicant is proposing to align the second storey on top of the first storey. Further, the reduction in the combined side yard width is due to a deficient east side yard setback measured to a pinch point as a result of the irregular shape of the lot. Staff are satisfied that the proposed setbacks ensure and maintain adequate access to the rear yard. Furthermore, the proposed setbacks are consistent with the setbacks found in the immediate area and provide an adequate buffer.

Variance #6 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling. Planning staff note that no overall height variance is being requested and the applicant worked with staff to reduce the eave height from 7.10m (23.29ft) to 6.80m (22.30ft). Furthermore, there is a discrepancy of approximately 1m (3.28ft) between average grade and finished grade. Therefore, the visual height of the dwelling would appear less than the maximum permissible by-law regulations. As such, staff are satisfied the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #7 request an increase in the gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and to ensure the existing and planned character of a neighbourhood is preserved. Staff note the GFA has been reduced from 374.52m² (4031.29ft²) to 353.43 m² (3804.28ft²) and no variance has been requested for lot coverage, mitigating massing impacts. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts on both abutting properties and the streetscape.

Variance #8 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling has been designed in a manor that projects the front porch to balance the garage projection. Staff are satisfied that this minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Given the above it is the opinion of Planning staff 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?

Staff are satisfied that the application is minor in nature and represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively, 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 dwelling will be addressed by our Development Construction Section through the future Building Permit process.

Comments Prepared by: John Salvino, 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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by Hydro One and leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and zoned U – Utility.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

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Appendix 4 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner