

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A92.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. An interior side yard setback of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. An interior side yard setback of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A balcony area of 11.70sq m (approx. 125.94sq 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 lot coverage of 35.13% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
5. A height of 10.95m (approx. 35.93ft) whereas By-law 0225-2007, as amended, permits a maximum height of 10.70m (approx. 35.10ft) in this instance; and,
6. An eave overhang setback of 0.76m (approx. 2.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance.

Background

Property Address: 3293 Joan Drive

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

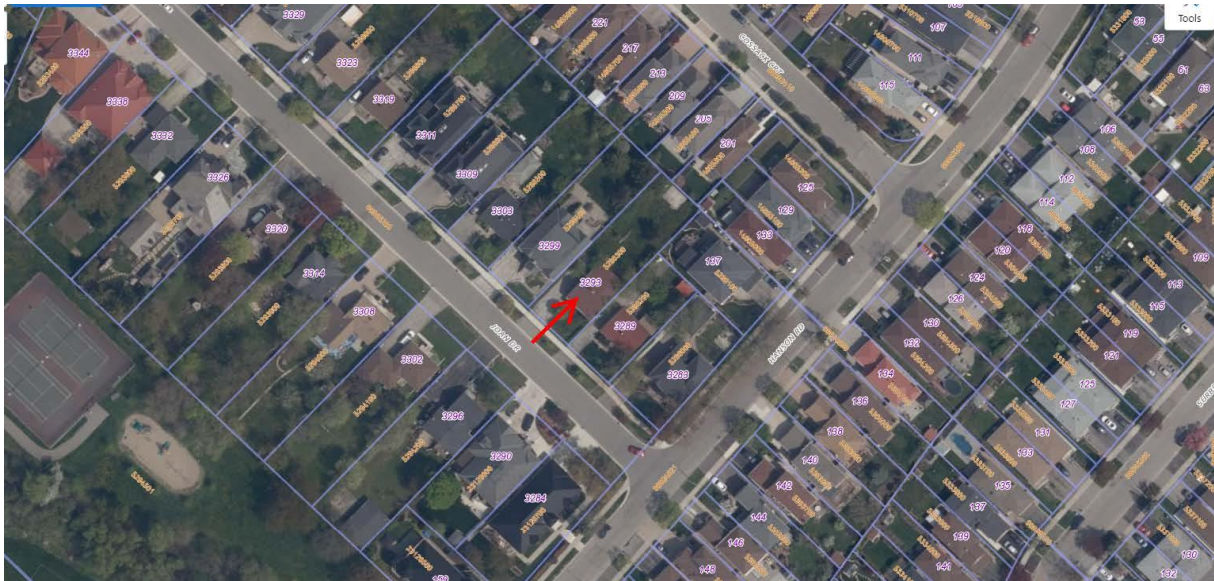
Zoning: R3- Residential

Other Applications: Building Permit application BP 9NEW 23-9560

Site and Area Context

The subject property is located south-east of the Central Parkway West and Confederation Parkway intersection in the Fairview Neighbourhood. It currently contains a one and a half-storey detached dwelling. The property has some vegetation in both the front and rear yard. The property has an approximate frontage of +/- 15.24 m (+/-50ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of one and two-storey detached dwellings on similarly sized lots.

The applicant is proposing a new detached dwelling requiring variances for side yard setbacks, balcony area, lot coverage and height.



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 Fairview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation 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. Staff are satisfied that the proposed detached dwelling respects the designation and surrounding land uses. Staff are of the opinion that the proposal is consistent with newer two storey dwellings in the immediate area. Staff are satisfied that these variances maintain 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 and #2 pertain to side yard setbacks and variance #6 pertains to eave overhang setbacks. 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. 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 #3 requests an increase in the balcony area. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff are satisfied that the increase in the area is a minor deviation from the permissible by-regulations and that the balcony will not pose any privacy or overlook concerns to any residential properties.

Variance #4 pertains to 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 dwelling's footprint represents 26.6% of the total lot coverage, well below the maximum 35% lot coverage permitted in the by-law. The uncovered deck area, excessive overhangs, balcony, shed and porch add the additional 8.52% to the proposed lot coverage, bringing the total lot coverage to 35.12%, only 0.12% over by-law. Staff are of the opinion that these elements present negligible massing concerns. Staff are satisfied that the requested increase in the overall lot coverage represents a minor deviation from the zoning by-law requirements and does not represent overdevelopment of the lot.

Variance #5 requests an increase in the dwelling height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling, to not permit a third storey as of right and to minimize negative impacts on the streetscape and neighbouring properties. The variance requests an increase in height by 0.25m (0.82ft), which is exceedingly minor in staff's opinion. The dwelling is two and a half-storeys in height with the majority of the roof structure's height being 8.16m (26.95ft). Staff are satisfied the third-storey portion of the dwelling is sufficiently setback from the streetscape, mitigating potential negative impacts. Further, staff note the average grade is below the finished grade by approximately 0.45m (1.47ft) for a portion of the dwelling thereby giving a height appearance of

10.5m (34.44 ft), which is within the by-law height. Staff are satisfied that the dwelling maintains an appropriate height and will not present as its full requested height.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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: Joe Alava, T&W Development Engineering



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-9560. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3 – Metrolinx

3293 Joan Drive - A92.24

Metrolinx is in receipt of the Minor Variance application for 3293 Joan Dr to facilitate the construction of a new 3-storey house. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner