

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A404.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act

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 to the second storey (right side) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
2. A lot coverage of 43.09%/240.22sq m whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35%/195.09sq m in this instance;
3. An interior side yard setback to the second storey (left side) of 1.73m (approx. 5.68ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A roof eave encroachment of 0.54m (approx. 1.77 ft) to the second storey setback (left side) whereas By-law 0225-2007, as amended, permits a roof eave encroachment of 0.45m (approx. 1.47 ft) in this instance; and,
5. A roof eave encroachment of 1.07m (approx. 3.51 ft) to the second storey setback (right side) whereas By-law 0225-2007, as amended, permits a roof eave encroachment of 0.45m (approx. 1.47 ft) in this instance.

Background

Property Address: 2286 Woking Crescent

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3- Residential

Other Applications: none

Site and Area Context

The subject site is situated within the Sheridan Neighbourhood Character Area, northeast of the Sheridan Park Drive and Speakman Drive intersection. The immediate vicinity encompasses a diverse mix of residential uses, including two five-storey apartment buildings and one and two-storey detached dwellings. Notably, the subject site property features mature vegetation within the municipal boulevard.

The proposed application seeks to develop a new two-storey detached dwelling requiring variances for setbacks and lot coverage.



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 are as follows:

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits a variety of residential uses, including detached dwellings.

The subject application was deferred by the Committee on November 23, 2023 to address concerns regarding the accuracy of the requested variances and the building's height. In response to this, the applicant has altered the roof's design in terms of its overall height and mass. The revised proposal also includes two additional variances, variances #4 and 5, for eave encroachments.

Planning staff have confirmed with Zoning staff that the subject property is located within the R3 zone. The maximum permitted height for a detached dwelling located in this zone is 10.7m (35ft), measured to the midpoint of the roof. There is no maximum highest ridge height.

In the applicant's first submission, the height of the dwelling measured to the midpoint of the roof was 10.04m (32.94ft). As such, no variance was required. However, in response to concerns raised by residents and the Committee regarding the height, the applicant has significantly reduced the dwelling's overall height by 1.1m (3.6ft). Therefore the ridge height has been reduced from 11.84m (38.85ft) to 10.74m (35.24ft) with the height to the midpoint of the roof being 9.34m (30.64ft). As such, no overall height variance is or was ever required.

The applicant submitted a revised proposal resulting in two additional variances for eave encroachments, variances 4 and 5. Eave encroachment variances are required when variances are requested for reduced side yard setbacks. Staff are of the opinion that these variances are minor in nature and will not pose any massing impacts.

The remaining variance for lot coverage of 13.09% is of no concern to staff as the dwelling's footprint (including the garage) covers approximately 35% of the subject property which is the maximum permitted in the by-law. The additional 13.09% of lot coverage is to accommodate a rear deck, front porch, balcony, eaves and floor projections, all of which do not pose massing concerns.

Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

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 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- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner