

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): A266.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 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 the construction of a garden suite proposing:

1. A gross floor area (for a lot less than 550.00 sq m) of 55.78sq m (approx. 600.42sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 55.00sq m (approx. 592.02sq ft) in this instance;
2. An exterior side yard setback of 3.73m (approx. 12.24ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A rear yard setback of 1.13m (approx. 3.71ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.80m (approx. 5.91ft) in this instance;
4. A height of 5.03m (approx. 16.50ft) whereas By-law 0225-2007, as amended, permits a maximum height of 4.60m (approx. 15.09ft) in this instance;
5. A lot coverage of 13.06% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% in this instance;
6. A total lot coverage of 56.90% whereas By-law 0225-2007, as amended, permits a maximum total lot coverage of 50.00% in this instance;
7. An exterior side yard setback for the eaves of 3.43m (approx. 11.25ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback for the eaves of 4.05m (approx. 13.29ft) in this instance; and,
8. A rear yard setback for the eaves of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback for the eaves of 1.35m (approx. 4.43ft) in this instance.

Background

Property Address: 5036 Warwickshire Way

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: Residential Medium Density

Zoning By-law 0225-2007

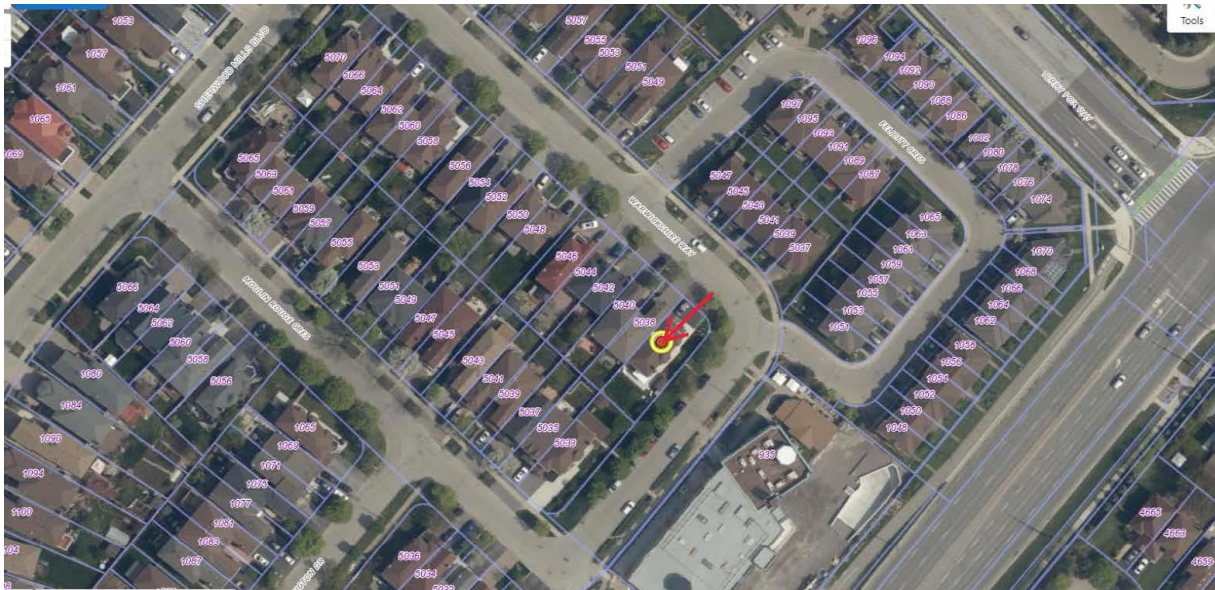
Zoning: RM5-3- Residential

Other Applications:

Site and Area Context

The subject property is located north-west of the Eglinton Avenue West and Terry Fox Way intersection in the East Credit Neighbourhood Character Area. It is located on a corner lot and contains a two-storey street townhouse with an attached garage. The subject property has an approximate lot area of +/- 430.86m² (4,636.74ft²). Limited vegetation and landscaping elements are present on the subject property. The neighbourhood is primarily residential, consisting of detached, semi-detached and townhouse dwellings on varied sized lots. Additionally, a place of religious assembly, Masjid Al-Farooq, is located to the south of the subject property.

The applicant is proposing a detached additional residential unit (ARU) in the rear yard requiring variances for gross floor area, exterior side and rear yard setbacks, height, lot coverage and eave setbacks.



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 designated Residential Medium Density on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings. Section 9 of the 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. Bill 23, More Homes Built Faster Act, 2022, requires official plans and zoning by-laws to permit 'as of right' small-scale residential uses of up to three units per lot in areas where municipal services are available. Planning staff are of the opinion that the proposed built form of the ARU is appropriate for the subject property and will not negatively impact the streetscape. Staff are of the opinion that the general intent and purpose of the zoning by-law will be maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

City Council passed By-Law 0174-2023, on November 10, 2023, amending the City's parent zoning By-Law 0225-2007, to introduce and regulate Additional Residential Units (ARU).

While the applicant has included variances for total lot coverage and ARU lot coverage, zoning staff have confirmed that both lot coverage variances are not required. The lot coverage variances are not required as there is no overall maximum lot coverage regulation in the RM5 parent zone or within the RM5-3 exception zone.

Variances 1 and 4 pertain to ARU area and height. The intent of the zoning by-law provisions regarding the size of the ARU is to ensure that the structure is proportional to the lot and dwelling, while not presenting any massing concerns to neighbouring lots. The proposed ARU floor area exceeds the maximum permissible floor area for an ARU by 0.78m² (8.39ft²) and height by 0.43m (1.41ft). Staff are satisfied these represent a minor deviation from the permissible by-law regulations. Staff note that the ARU area regulations are based on a property's lot size and the subject lot has a total area of 430.86m² (4,636.74ft²). Staff are satisfied that the ARU remains accessory to the main dwelling.

Variances 2, 3, 7 and 8 propose a reduction in the rear and exterior side yard setback to the proposed ARU and eaves. The general intent of this portion of the by-law is to ensure an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures and that appropriate drainage can be maintained. Staff note the proposed decrease to the exterior side yard and rear yard represent a minor deviation from the by-law requirement. Staff are of the opinion that the positioning of the ARU allows for long term access and maintenance of the structure thereby providing an adequate buffer between the structures. Additionally, Transportation and Works staff have raised no drainage concerns due to the proposal.

Given the above, staff are satisfied 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?

Staff are of the opinion that the proposed ARU represents appropriate development of the lands. Staff are satisfied that the variances respect the surrounding context and that the impacts of the requested variances are minor and will not create undue impacts on adjacent properties.

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 garden suite will be addressed through the Building Permit process.

Acknowledging that a portion of this property will consist of hard surface area with the construction of the garden suite, special attention should be given to ensure that the approved grading and drainage pattern of this property is maintained. We do note from our site inspection that the subject property is at a higher elevation than the property to the rear and no drainage from the proposed works is to be directed to that property.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering









Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9275. 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 – Zoning Comments

Minor Variance: A-24-266M / 5036 Warwickshire Way (ARU – Garden Suite)

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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.

Comments Prepared by: Petrele Francois, Junior Planner