

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-11	File(s): A382/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-19

Consolidated Recommendation

The City has no objection to the variance, as requested.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property, proposing a gross floor area of 211.76m² (approx. 2,279.37sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31m² (approx. 1,876.26sq.ft), in this instance.

Background

Property Address: 3122 Merrit Avenue

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low density II

Zoning By-law 0225-2007

Zoning: R4-1 (Residential)

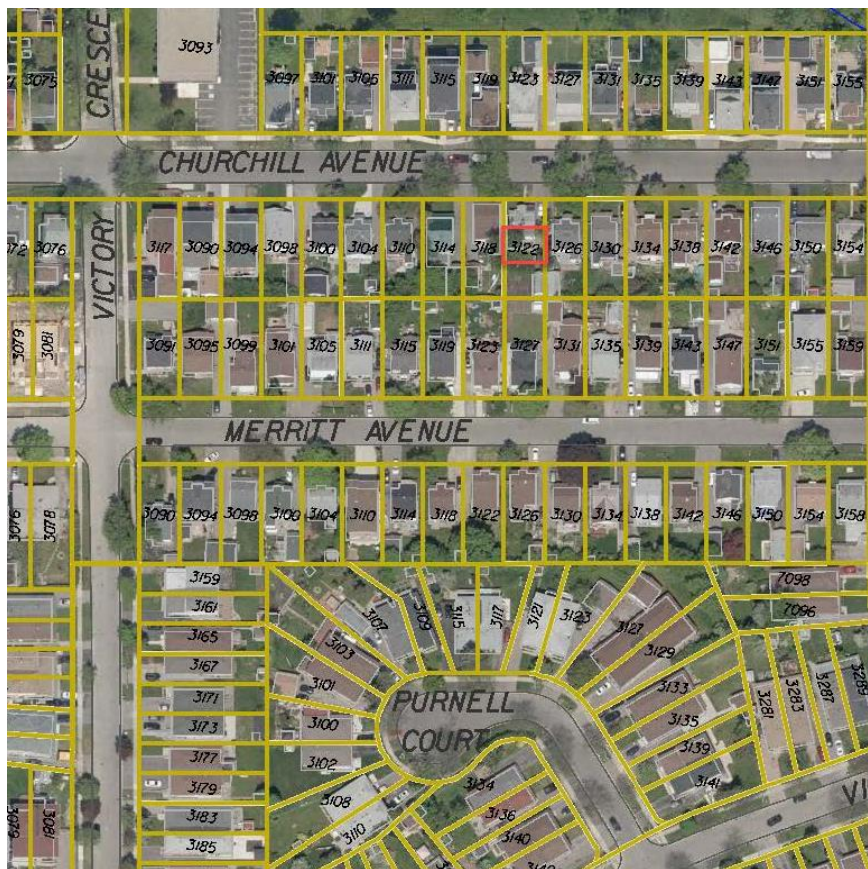
Other Applications:

Pre-Zoning: 20-751

Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection, and currently houses a one-storey, detached dwelling. The immediate neighbourhood is comprised exclusively of detached residential structures. Architecturally, the shared built-form is predominately post-war, single-storey dwellings; however, newer construction, in the form of replacement dwellings, are also present to a minor extent on both Merrit Avenue, as well as within the surrounding neighbourhood as a whole. The properties within the immediate area possess lot frontages of +/-12.3m, with moderate natural landscaping / vegetative elements within their front yards.

The subject property is an interior parcel, with a lot area of 371.6m², and a lot frontage of 12.2m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Planning Staff note, an associative minor variance application for the above-noted property was brought before Committee as part of the October 1st, 2020, agenda (Application 'A' 299/19), proposing relief for the same structure. This application received full support from Staff, and subsequent approval from Committee.

Through subsequent review, it has been determined that the proposed dwelling requires additional relief to permit excessive gross floor area. Planning Staff notes that this application is nearly identical (the Applicant is now proposing slightly changed exterior elevations, as well as a reconfigured rear patio area) to that which has previously been approved. This Department therefore has no objection to the Applicant's request.

For the sake of completeness, Planning Staff have included their original comments (Schedule 2) attached to this Report.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as requested.

Comments Prepared by: Roberto Vertolli, 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 new dwelling will be addressed through the Building Permit process.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pre-Zoning Review application under file 20-751. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 19th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-54/20

Minor Variance Applications: A-358/20, A-373/20, A-374/20, A-377/20, A-378/20, A-382/20

Comments Prepared by: Diana Guida, Junior Planner

Schedule 2

Previous Comments – Planning Staff

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-09-24	File(s): A299/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-01

Consolidated Recommendation

The City has no objection to the variances, as requested.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property, proposing:

1. A lot coverage of 43.30% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance;
2. A rear yard of 6.11m (approx. 20.05ft); whereas, By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft), in this instance;
3. A driveway width of 6.00m (approx. 19.68ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 4.44m (approx. 14.57ft), in this instance; and,
4. A balcony projection beyond the garage face of 1.42m (approx. 4.66ft); whereas, By-law 0225-2007, as amended, permits a maximum balcony projection beyond the garage face of 1.00m (approx. 3.28ft), in this instance.

Background

Property Address: 3122 Merit Avenue

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low density II

Zoning By-law 0225-2007

Zoning: R4-1 (Residential)

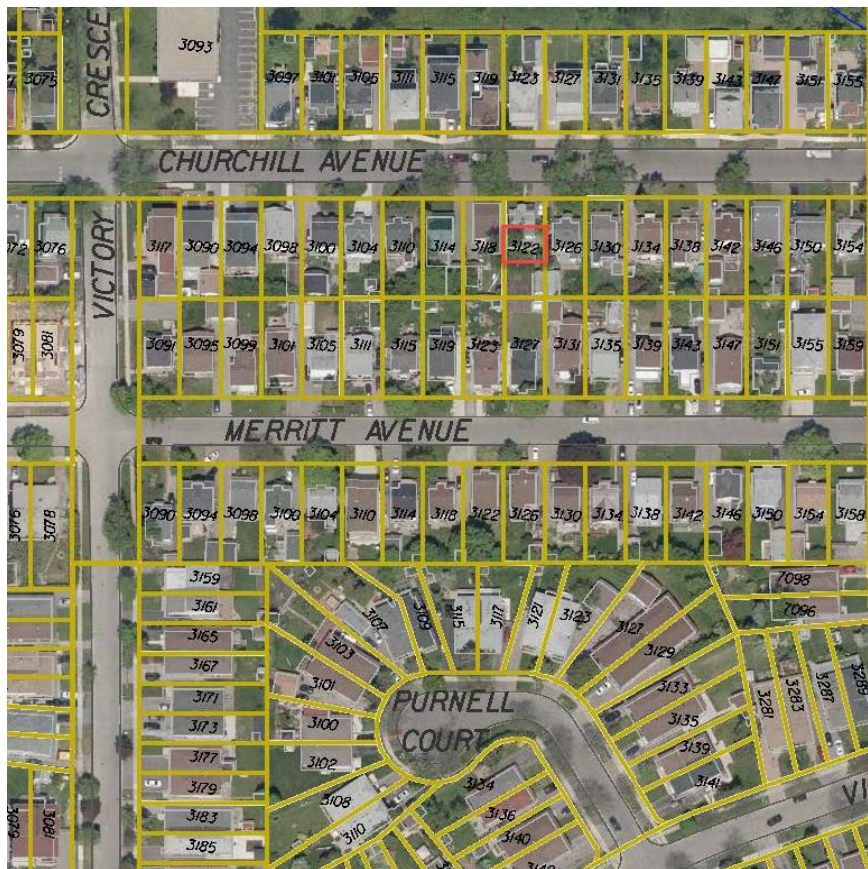
Other Applications:

Pre-Zoning Review: 20-2278

Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection, and currently houses a one-storey, detached dwelling. The immediate neighbourhood is comprised exclusively of detached residential structures. Architecturally, the shared built-form is predominately post-war, single-storey dwellings; however, newer construction, in the form of replacement dwellings, are also present to a minor extent on both Merritt Avenue, as well as within the surrounding neighbourhood as a whole. The properties within the immediate area possess lot frontages of +/-12.3m, with moderate natural landscaping / vegetative elements within their front yards.

The subject property is an interior parcel, with a lot area of 371.8m², and a lot frontage of 12.2m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law, provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of 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 site is located within the Malton Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages.

The subject lands are to be used for residential purposes. The proposed detached dwelling respects the designated residential land use, and, despite the variances, has regard for the distribution of massing on the property as a whole. The variances, as requested, meet the purpose and general intent of the Official Plan.

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

Variance 1 (Lot Coverage)

As per Zoning By-law 0225-2007, the subject property is zoned R4-1 (Residential). Pursuant to Table 4.2.5.1.1 (R4 Exception Zones), the Zoning By-law permits a maximum lot coverage of 30.0%; whereas, the Applicant has proposed 43.30%. The general intent of this portion of the Zoning By-law is to ensure that individual lots are not visibly or disproportionately developed as it pertains to the overall size of the property.

Planning Staff note, a significant portion of the identified lot coverage is attributed to both the open-faced, rear deck and porch canopy structure – structural features that do not typically lend themselves to representing visible or "true massing". Further, were the areas associated with these features (27.12m²) removed from this calculation, the resulting lot coverage (36.0%) is much closer to Zoning By-law regulations (30%) and whose resulting increase would most likely be imperceptible from a streetscape perspective. No subsequent variances have been requested as it pertains to increases to the associative ground floor area; height; or side yard setbacks regulations. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

While the resident design of this neighbourhood has historically been single-storey bungalows, the proposed dwelling is in scale with the overall property as a whole, and, does not result in the over massing of the site. Staff further note, while infill zoning regulations were enacted to restrict over-massing of dwellings within this community; the presence of larger developments within the immediate contextual area predate these regulations and support the proposal of a larger structure, in this instance. While multiple variances are required, Planning Staff note, these do not serve to purposely circumvent the Zoning By-law, nor do the result in an over-bearing structure from a streetscape perspective. Variance 1, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Variances 2 – 4

Through a detailed review, Staff is of the opinion that Variances 2 – 4, as requested, are appropriate to be handled through the minor variance process. Further, the aforementioned variances raise no concerns of a planning nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner