

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-28	File(s): A340/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-05

Consolidated Recommendation

The City has no objections to the requested variances. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an addition on the subject property proposing:

1. A side yard measured to the second storey of 1.90m (approx. 6.23ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance;
2. A combined width of side yards of 3.80m (approx. 12.47ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.66m (approx. 21.85ft) in this instance;
3. A height of 10.06m (approx. 33.01ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.16ft) in this instance; and
4. A height measured to the eaves of 7.13m (approx. 23.39ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 1530 South Sheridan Way

Mississauga Official Plan

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

Zoning By-law 0225-2007

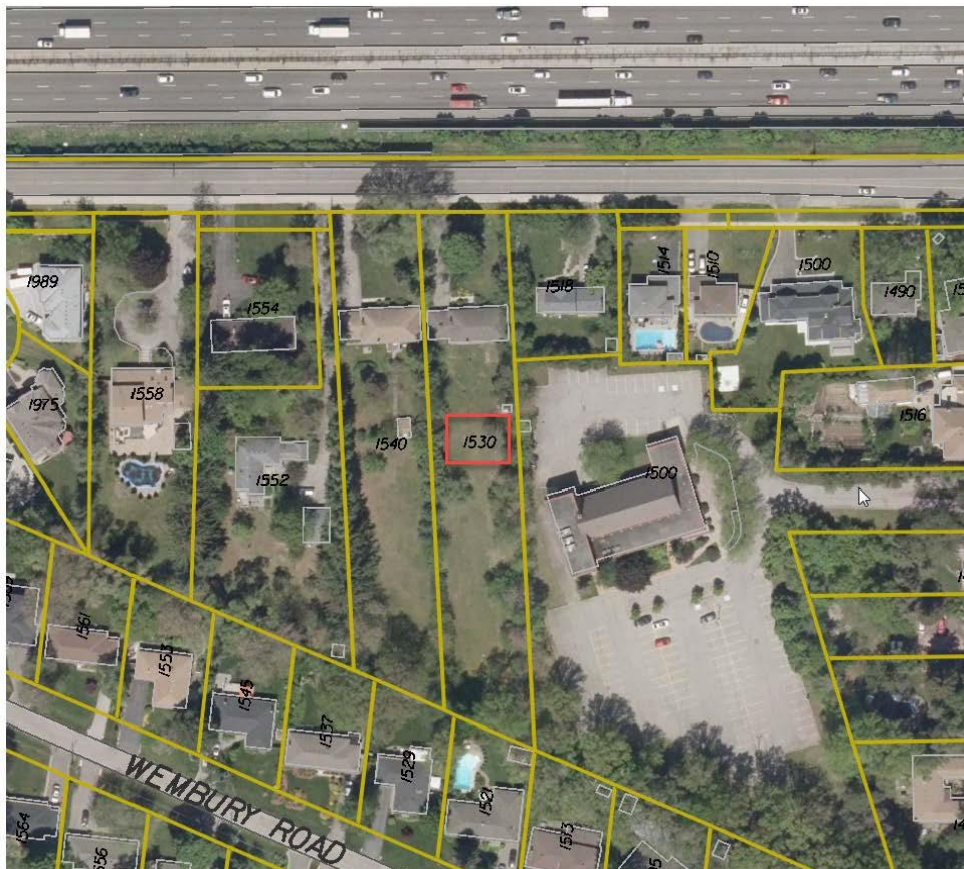
Zoning: R2-4 (Residential)

Other Applications

Site Plan Application: 20-98

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, west of Indian Road and South Sheridan Way. The neighbourhood is predominantly residential, consisting of one and two storey detached dwellings with significant mature vegetation. The dwellings on South Sheridan Way face the Queen Elizabeth Way (QEW). The subject property contains a one storey dwelling with existing deficiencies related to the combined side yard width. The application proposes a second storey addition requiring variances related to deficient interior side yard and combined side yard width setbacks and increased heights measured to the highest ridge and eaves.



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 Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Section 16.5.1.4 (Infill Housing) states, infill housing is encouraged to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The overall dwelling height is measured to one portion of the highest ridge which does not continue throughout the entire roofline of the dwelling and also breaks up the massing impact of the increased height. Furthermore, the proposed addition will not encroach further into the side yards as the dwelling maintains the existing building footprint, minimizing the impact on neighbouring properties. Staff is of the opinion that the application maintains the general intent and purpose of the official plan.

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

Variances #1 and 2 propose a deficient side yard and combined side yard width. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. In this instance, the proposed second storey addition maintains the existing building footprint and does not encroach further into the side yards. Furthermore, there are dwellings within the immediate area that maintain similar setbacks, as such; the proposed variances are not out of character with the surrounding neighbourhood. The dwelling maintains a sufficient buffer to neighbouring properties and preserves the existing access to the rear yard. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #3 and 4 propose an increased height to the highest ridge and eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. The overall height of the dwelling is measured to the centre of the highest roofline, having a height of 10.06 m while the remaining portion of the roof maintains the permitted height of 9.50 m, meeting the by-law requirement. It

is noted that the dwelling contains architectural features that break up the first and second storey which lessens the visual impact of the increased eave height and maintains a human scale. As such, staff is of the opinion 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?

The proposed addition maintains the existing building footprint which already has a deficient combined side yard width. There are examples of dwellings within the immediate area that have similar setbacks which is a common characteristic throughout the neighbourhood. The overall height of the dwelling is measured to the highest ridge which is contained to the centre of the highest roofline; the remaining portion of the dwelling maintains the maximum permitted height in the by-law. Furthermore, the first and second storey of the dwelling is broken up, minimizing the overall massing impact to neighbouring properties and the streetscape character. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variances. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, 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 addition are being addressed through the Site Plan Application process, File SP-20/098.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 20-98. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Consent Applications: B-54/20, B-55/20

Minor Variance Applications: A-312/20, A-338/20, A-340/20, A-341/20, A-342/20, A-344/20, A-345/20, A-348/20, A-349/20, A-350/20, A-352/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Ministry of Transportation of Ontario

The property-project at 1530 South Sheridan Way, Hwy QEW., is within MTO Permit Control Area (PCA) therefore any changes to the structure(s) will require MTO review and approval, with MTO permit(s).

Comments Prepared by: Corey Caple, Corridor Management Officer