

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-11-04 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A347/20 Ward: 2
	Meeting date: 2020-11-12

## Consolidated Recommendation

The City has no objections to the requested variances, as amended. 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 applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A gross floor area of 469.05sq.m (approx. 5048.81sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 450.20sq.m (approx. 4845.91sq.ft) in this instance;
2. A building height measured to the eaves of 6.92m (approx. 22.70ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.00m (approx. 19.69ft) in this instance; and
3. A building depth of 20.58m (approx. 67.52ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

## Amendments

The following variance should be added to the application:

Combined side yard setback of 8.02m (26.31% of the lot frontage) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.23m (27% of the lot frontage) in this instance;

## Background

**Property Address:** 1067 Albertson Crescent

### Mississauga Official Plan

**Character Area:** Clarkson-Lorne Park Neighbourhood

**Designation:** Residential Low Density I

### Zoning By-law 0225-2007

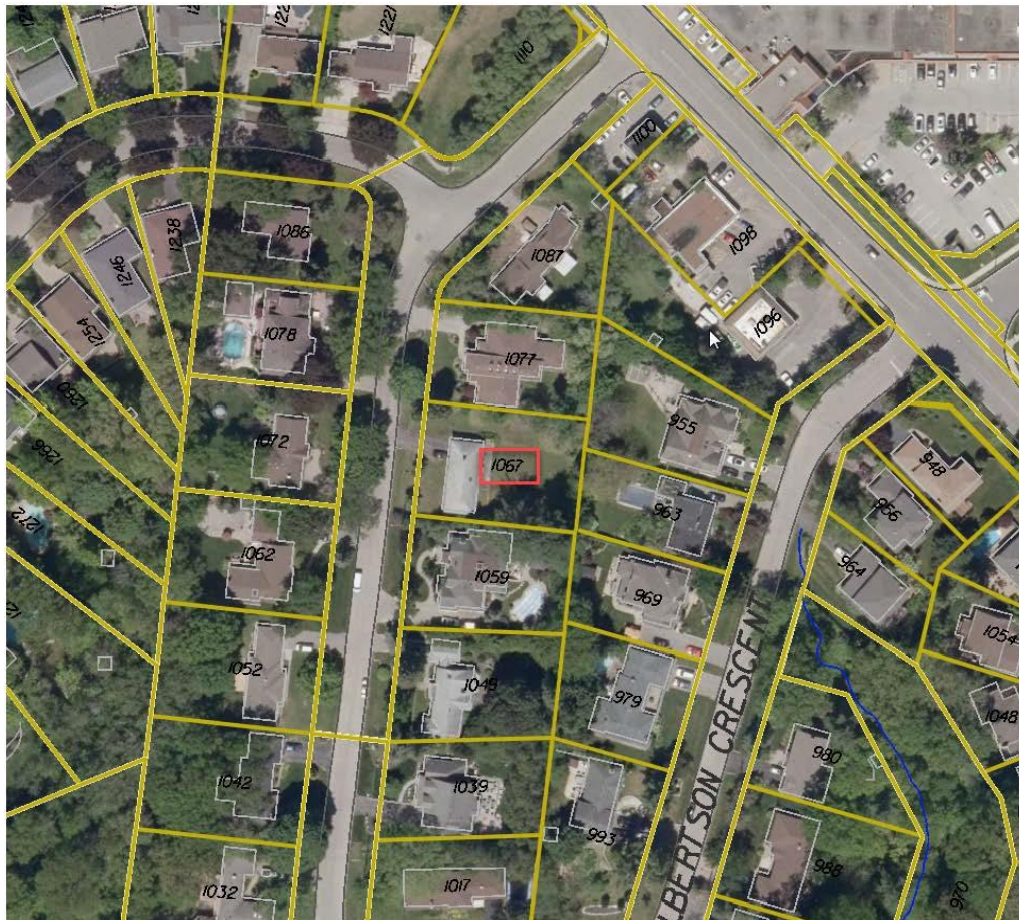
**Zoning:** R2-1 (Residential)

### Other Applications:

**Occupancy Permit:** 20-2925

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Lorne Park Road and Lakeshore Road West. The neighbourhood consists of one and two storey detached dwellings on large sized lots with significant mature vegetation. The subject property contains an existing one storey dwelling with mature vegetation in the interior side yards. The applicant is proposing a new two storey dwelling, requiring variances related to an increased gross floor area, eave height, dwelling depth and a deficient combined side yard width.



## 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. As per Section 16.5.1.4 (Infill Housing), 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 proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, maintaining the existing and planned character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The application proposes a gross floor area of 469.05 m<sup>2</sup> whereas a maximum of 450.20 m<sup>2</sup> is permitted and a height measured to the eaves of 6.92 m whereas a maximum of 6.40 m is permitted. It should be noted the notice incorrectly states the permitted eave height at 6 m. The intent of the infill regulations regarding GFA and height is to maintain compatibility between existing and new dwellings. The regulations also lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, giving the dwelling a more human scale. In this instance, height is measured to average grade which is approximately 0.51 m below the established grade. If the dwelling was measured from established grade, there would be an eave height of 6.41 m, just .01 m over the maximum permitted height. The increased eave height does not pose any type of negative impact from a streetscape perspective. Furthermore, the massing of the dwelling is broken up with different sloped rooflines and flat roof which breaks up the first and second storey, resulting in minimal massing impacts to abutting properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a dwelling depth of 20.58 m whereas a maximum dwelling depth of 20 m is permitted. The intent of the by-law is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, the increased dwelling depth is due to the basement as the dwelling maintains a depth of 15.10 m above grade. As the increased depth is below grade, there are no massing impacts of a long continuous wall to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through discussions with the Zoning Division, it appears an additional variance is required for combined side yard width, proposing 8.02 m whereas 8.23 m is required. The proposed variance is a minor deviation and will not cause any additional undue impact to neighbouring properties nor the streetscape character from what is permitted. As such, staff is of the opinion that this variance is appropriate to be handled through the minor variance process.

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

The proposed dwelling maintains the existing character of the neighbourhood and is similar to newer two storey dwellings constructed in the area. The increased gross floor area is a minor deviation from the zoning by-law which does not have significant impacts to the existing streetscape character. Additionally, the dwelling is broken up with multiple rooflines and contains features separating the first and second storey. The combination of these features

ultimately breaks up the overall massing of the dwelling. The increased eave height is due to the difference of average and established grade and does not have any significant impact to the abutting properties. Finally, the increased dwelling depth is located below grade which will not result in a long continuous wall impacting neighbouring properties. Staff is of the opinion that the application represents orderly development and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances, as amended. 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 dwelling are being addressed through the Site Plan Application process, File SPI-20/019.

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 20/19. 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. However, from our review, an additional variance outlined below is required.

Combined side yard setback of 8.02m (26.31% of the lot frontage) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.23m (27% of the lot frontage) in this instance;

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 12<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Minor Variance Applications:** DEF-A-261/20, A-346/20, A-347/20, A-353/20, A-354/20, A-357/20, A-360/20, A-363/20, A-364/20, A-365/20, A-367/20, A-368/20, A-370/20, A-372/20

Comments Prepared by: Diana Guida, Junior Planner