

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): A363/20 Ward: 7
	Meeting date: 2020-11-12

Consolidated Recommendation

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

Application Details

The Applicant requests the Committee to approve a minor variance to allow an addition, proposing:

1. A lot coverage of 43.73%; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35%, in this instance;
2. An encroachment into the required side yard of 2.45m (approx. 8.04ft), measured to a porch; whereas, By-law 0225-2007, as amended, permits a maximum encroachment into the required side yard of 1.60m (approx. 5.25ft), measured to a porch, in this instance; and,
3. A balcony encroachment into the required exterior side yard of 1.67m (approx. 5.48ft); whereas, By-law 0225-2007, as amended, permits a maximum balcony encroachment into the required exterior side yard of 1.00m (approx. 3.28ft), in this instance.

Amendments

Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. A lot coverage of 43.73% (438.69m²); whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (351.12 m²), in this instance.

Background

Property Address: 3091 Grenville Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

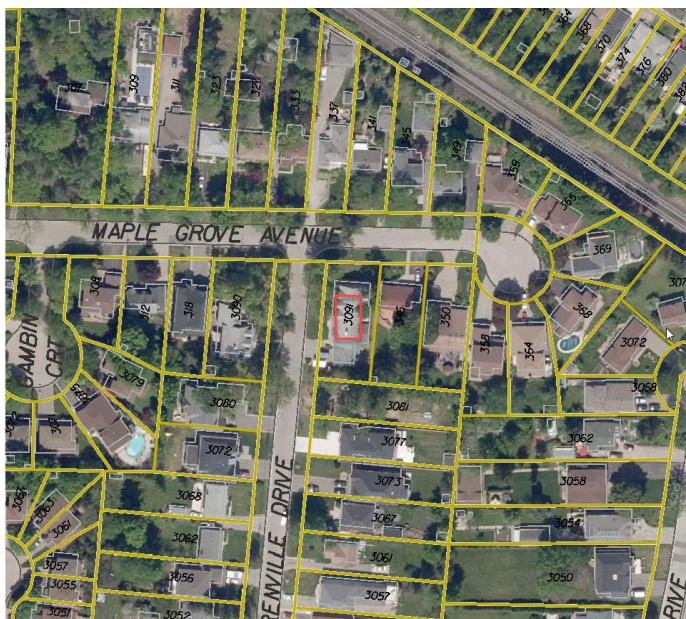
Other Applications:

Occupancy Permit: 20-2691

Site and Area Context

The subject property is located north-east of the Dundas Street East and Hurontario Street intersection and currently houses a two-storey, detached dwelling. Contextually, the surrounding neighbourhood is comprised exclusively of residential land-uses. Historically, the shared built-form was that of post-war, single-storey detached dwellings; however, the character of the neighbourhood has since evolved, with newer construction in the form of larger, more contemporary replacement dwellings now becoming prevalent. The properties within the immediate area possess lot frontages of approximately +/-19.5m, and exhibit generous mature vegetative / natural landscaped elements within their front yards.

The subject property is an exterior parcel, with a lot area of 1,004.0m² and a lot frontage of 15.3m.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Cooksville Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings. Section 9 of 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.

The subject lands are to be used for residential purposes. The proposed addition respects the designated residential land use, and, despite the variances, has regard for both the existing structure, as well as the distribution of massing on the property as a whole. The variances, as amended, 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 R3 (Residential). Pursuant to Table 4.2.1.5 (R1 to R5 Permitted Uses and Zone Regulations), the Zoning By-law permits a maximum lot coverage of 35.0%; whereas, the Applicant has proposed 43.73%, in this instance. 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, despite the requested variance, the majority of construction remains confined to the existing footprint of the detached dwelling and detached garage, with the Applicant simply proposing a second-storey addition, in this instance.

To this end, a significant portion of the newly-identified excess lot coverage can be attributed to the existing rear patio area, which will now be enclosed / covered by the proposed second-storey balcony, and is therefore counted against this regulation (3.21%). Further, when the front balcony areas (1.76%) and proposed roof overhang sections (3.76%) – structural features that do not typically lend themselves to represent visible or “perceivable massing” – are removed from this calculation, the resulting lot coverage (35.0%) remains in compliance with the appropriate Zoning By-law regulations. This is logical, as, notwithstanding the aforementioned

proposed converted rear balcony / covered patio area, the Applicant's proposal simply builds "up" from the existing exterior footprint.

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 proposed addition does result in significant massing from a streetscape perspective; Planning Staff note the expansion of the existing second-storey is permitted as-of-right and that the Applicant's proposal largely maintains the existing structure's footprint in this regard. To this end, Planning Staff would reiterate that the majority of the newly-created lot coverage is more a result of incorporating the existing back patio area "into" the residential structure (by way of the proposed fireplace / balcony area), than in an attempt to purposely over-develop the site.

Planning Staff would further note, the Zoning By-law, in this instance, remains silent as it pertains to GFA regulations (restrictions better suited to address massing concerns), and that no additional variances are required as it pertains to building height or required yard reductions. As such, Planning Staff cannot discern any additional undue impact created as it relates specifically to lot coverage, especially in view of current conditions.

The application, as amended, results in both the orderly development of the lands, and whose impacts are minor in nature.

Variances 2 & 3 (Structural Encroachments)

Through a detailed review, Staff is of the opinion that Variance 2 and 3, as amended, are appropriate to be handled through the minor variance process. Further, the aforementioned variances raise no concerns of a planning nature. Planning Staff note, both encroachments represent small portions of the exterior walls and, in both cases, encroach closer towards the municipal right-of-way, as opposed to any neighbouring property. Further, as per discussions with the Applicant, they have agreed to incorporate some manner of lattice-work to mitigate overlook concerns for the neighbouring property of 346 Maple Grove.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, 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 amended.

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 proposed addition 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 Permit application under file 20-1439. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. A lot coverage of 43.73% (438.69m²); whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (351.12 m²), 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 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

City Department and Agency Comments

File:A363/20

Enter date.

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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