

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A400/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objection to Variances 1 and 2, as requested; however, 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 new home on the subject property, proposing:

1. A gross floor area - infill residential of 451.32m² (approx. 4,857.97sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 356.21m² (approx. 3,834.21sq.ft), in this instance;
2. A lot coverage of 28% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area, in this instance; and,
3. A combined width of side yards of 19% of the lot frontage (3.8m); whereasm By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontagem in this instance (5.16m).

Amendments

Planning Staff would echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed. The Applicant is to be made aware that, in the absence of a finalized review by the Zoning Department, they are to be self-satisfied that the correct variances have been both accurately identified and applied for.

Planning Staff note, the R2-50 (Residential) Zone does not contain combined side yard regulations. As such, it is our opinion that Variance 3, as requested, is not required.

Background

Property Address: 19 Maldaver Avenue

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

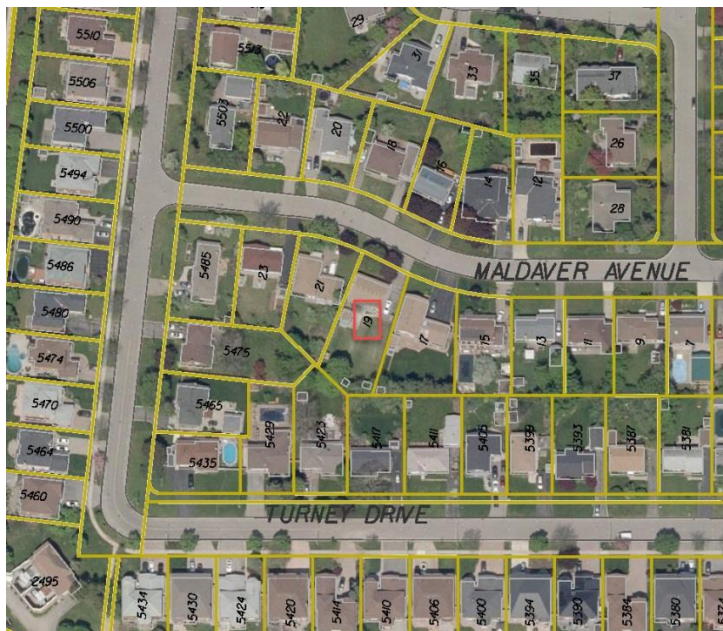
Zoning: R2-50 (Residential)

Other Applications:

None

Site and Area Context

The subject property is located north-west of the Erin Mills Parkway and Thomas Street intersection, and currently houses a single-storey, detached dwelling. Contextually, the area is comprised exclusively of detached residential structures. The properties within the immediate area possess lot frontages of approximately 20.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of 1,031.06m² and a lot frontage of 19.14m.



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 Streetsville Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached 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 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?

Variances 1 (Gross Floor Area)

As per Zoning By-law 0225-2007, the subject property is zoned R2-50 (Residential). Pursuant to Table 4.2.3.50.2 (R2 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the Zoning By-law, as it pertains to infill development, is to ensure that individual properties are not overly developed and that additional massing resultant of such construction will not negatively impact the character of the surrounding neighbourhood.

Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by several incorporated design features: primarily, the recessed garage entrance contrasting against the projecting front facade area; the multiple dormer / roof sections, etc. – all of which result in an unobtrusive design from a streetscape perspective.

Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 2 (Lot Coverage)

Pursuant to Table 4.2.3.50.1 (R2 Exception Zones), the Zoning By-law permits a maximum lot coverage of 25.0%; whereas, the Applicant has proposed 28.0%, in this instance. The general intent of this portion of the Zoning By-law is to ensure that individual lots are not visibly or disproportionally developed as it pertains to the overall size of the property.

Planning Staff note, a segment of the identified lot coverage can be attributed to the open-faced, rear porch – a structural feature that does not typically lend itself to represent visible or “perceivable massing”. To this end, if the area associated with this structure was removed from this calculation (34.58m²); the resulting lot coverage (23.85%) would be in compliance with the appropriate Zoning By-law regulation.

Variance 2, 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?

Despite the requested variances, Planning Staff cannot identify any additional undue impact created as a result of the proposed increased size of the dwelling, with no subsequent variances requested as it pertains to either increased height, or reduced yard regulations. The application results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the Variances 1 and 2, 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 Variances 1 and 2, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 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 not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer