

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A16.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

Consolidated Recommendation

The City has no objections to the requested variances, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A gross floor area of 314.33sq.m (approx. 3383.42sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 282.66sq.m (approx. 3042.52ft) in this instance;
2. A lot coverage of 47.27% (219.00sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% (139.00sq.m) in this instance;
3. A dwelling unit depth of 21.76m (approx. 71.39ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;
4. A rear yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 3.00m (approx. 9.84ft) in this instance;
5. A rear yard measured to an eave of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to an eave of 2.39m (approx. 7.84ft) in this instance;
6. An interior side yard measured to the dwelling of 1.36m (approx. 4.46ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the dwelling of 3.00m (approx. 9.84ft) in this instance;
7. An interior side yard measured to the porch of 1.35m (approx. 4.43ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the porch of 3.00m (approx. 9.84ft) in this instance;
8. An interior side yard measured to an eave of 1.04m (approx. 3.41ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to an eave of 2.55m (approx. 8.37ft) in this instance;
9. An interior side yard measured to the window well of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the window well of 2.39m (approx. 7.84ft) in this instance;

10. An interior side yard measured to the balcony of 1.66m (approx. 5.44ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the balcony of 3.00m (approx. 9.84ft) in this instance;
11. An exterior side yard measured to the dwelling of 4.34m (approx. 14.24ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
12. An exterior side yard measured to the eaves of 4.03m (approx. 13.22ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the eaves of 7.50m (approx. 24.61ft) in this instance;
13. An exterior side yard measured to the porch of 3.43m (approx. 11.25ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the eaves of 5.90m (approx. 19.36ft) in this instance;
14. An exterior side yard measured to the garage of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the garage of 7.50m (approx. 24.61ft) in this instance;
15. A driveway width of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
16. A fireplace (interior) between the front wall of the dwelling and the front lot line whereas By-law 0225-2007, as amended, does not permit a fireplace between the front wall of the dwelling and the front lot line in this instance.

Amendments

The following variances should be amended as follows:

6. An interior side yard measured to the dwelling of 1.35m (approx. 4.46ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the dwelling of 3.00m (approx. 9.84ft) in this instance;
11. An exterior side yard measured to the dwelling of 4.34m (approx. 14.24ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
12. An exterior side yard measured to the eaves of 4.03m (approx. 13.22ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 7.50m (approx. 24.61ft) in this instance;
13. An exterior side yard measured to the porch of 3.43m (approx. 11.25ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 5.90m (approx. 19.36ft) in this instance;
14. An exterior side yard measured to the garage of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the garage of 7.50m (approx. 24.61ft) in this instance;

Background

Property Address: 1000 Roper Avenue

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

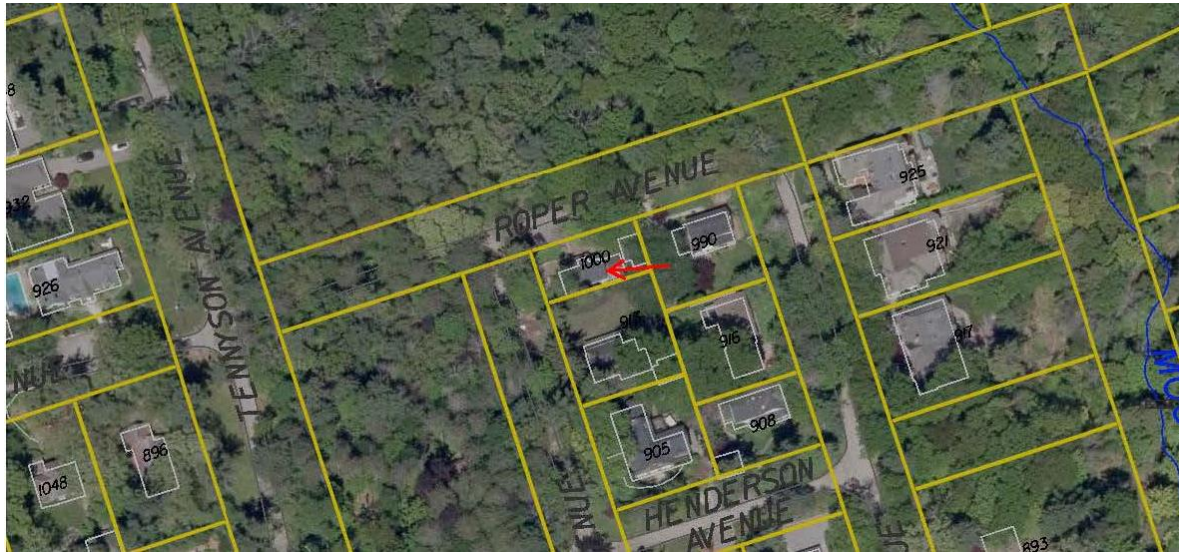
Other Applications

Site Plan Application: 20-61

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and Lorne Park Road. The neighbourhood consists of one and two storey detached dwellings with significant mature vegetation. The subject property is a corner lot containing an existing one storey dwelling with mature vegetation.

The applicant is proposing a new two storey dwelling requiring variances related to gross floor area, lot coverage, depth, driveway width and deficient setbacks measured to the rear, interior and exterior side yards.



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 (MOP). The Residential Low Density I designation 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?

Variance #1 proposes a gross floor area of 314.33 m² whereas a maximum of 282.66 m² is permitted. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings ensuring that the existing and planned character of a neighbourhood is preserved. The proposed dwelling contains architectural features such as the second storey being built within the roofline and having different eave heights, thereby mitigating the overall

massing of the dwelling. The proposal is consistent with two storey dwellings within the immediate area and does not pose a negative impact to the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 and 3 propose a lot coverage of 47.27% whereas a maximum of 30% is permitted and dwelling depth of 21.76 m whereas 20 m is permitted. The intent of the zoning by-law is to ensure that there isn't an overdevelopment of the lot and to minimize the impact of long walls on neighbouring lots resulting from the building massing. In this instance, the balcony, covered porch and the eaves make up approximately 10% of the total lot coverage. The remaining lot coverage of approximately 7% is attributed to the building footprint. The existing lot coverage is similar to the subject application and does not pose a significant impact to neighbourhood character from what currently exists. The proposed dwelling contains mitigating architectural features that reduces the impact of the proposed dwelling. Additionally, the subject property is a corner lot, surrounded by significant mature vegetation, thereby reducing the impact of the overall development to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #4-14 and 16 relate to deficient setbacks measured to the rear, interior side and exterior side yards. These variances are partially due to the fact that the front yard is considered the shortest lot line abutting the street. In this instance, the front yard fronts on Sangster Avenue, while the exterior side yard fronts onto Roper Avenue, which functions as the front yard. The proposed variances are typical for corner lots of this size. Due to the limited space in the rear yard and front yard facing Sangster Avenue, the front yard functions acts as the property's amenity space. The proposed dwelling maintains similar setbacks to the existing dwelling and does not encroach further into the required yards. Additionally, a portion of the proposed setbacks are for the eaves, a window well, fireplace and porch which do not add significant massing to the dwelling and limits any impact to abutting properties and the existing streetscape character. As such, staff is of the opinion that these variances application is appropriate to be handled through the minor variance process.

Variance #15 proposes a driveway width of 6.87 m whereas a maximum of 6 m is permitted. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. In this instance, the proposed driveway width does not come at the expense of soft landscaping and does not propose excessive hard surfacing. The proposed driveway width also narrows towards the street, minimizing any potential impact to the streetscape and maintaining an appropriate amount of soft landscaping. Staff is of the opinion that 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 dwelling is compatible with newer two storey dwellings within the surrounding area, maintaining the existing and planned character of the neighbourhood. The proposed

dwelling contains a staggered front façade with the proposed second storey being built within the roofline, mitigating the impact of the proposed gross floor area and lot coverage to neighbouring properties. Additionally, the neighbourhood contains significant mature vegetation, further minimizing the impact of the dwelling on the streetscape character. As such, 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, as amended.

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-20/061.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a Site Plan Application under file SPI 20-61. Based on review of the information currently available in this permit application, the following variances, should be amended as follows:

6. An interior side yard measured to the dwelling of 1.35m (approx. 4.46ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the dwelling of 3.00m (approx. 9.84ft) in this instance;
11. An exterior side yard measured to the dwelling of 4.34m (approx. 14.24ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
12. An exterior side yard measured to the eaves of 4.03m (approx. 13.22ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 7.50m (approx. 24.61ft) in this instance;
13. An exterior side yard measured to the porch of 3.43m (approx. 11.25ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the eaves of 5.90m (approx. 19.36ft) in this instance;
14. An exterior side yard measured to the garage of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the garage of 7.50m (approx. 24.61ft) in this instance;

Our comments are based on the plans received by Zoning Staff on 2020/09/10 for the above captioned Site Plan Approval application. Please note, should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 4 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Lorne Park Estates Cultural Landscape. Heritage requirements have been met.

Comments Prepared by: Paula Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner