

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A44.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

Consolidated Recommendation

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

Application Details

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

1. A garage projection of 1.01m (approx. 3.31ft) beyond the front wall of the first storey, whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
2. An easterly side yard measured to the first and second storeys of 0.7m (approx. 2.3ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 4.0ft) to the first storey and 1.81m (approx. 5.94ft) to the second storey in this instance;
3. A westerly side yard measured to the second storey of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance; and
4. A combined width of side yards of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.8m (approx. 12.5ft) in this instance.

Amendments

Variance #2 should be split up into two separate variances as outlined below.

An easterly side yard measured to the first storey of 0.70 m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m in this instance;

An easterly side yard measured to the second storey of 1 m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m in this instance;

Background

Property Address: 48 Cotton Drive

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

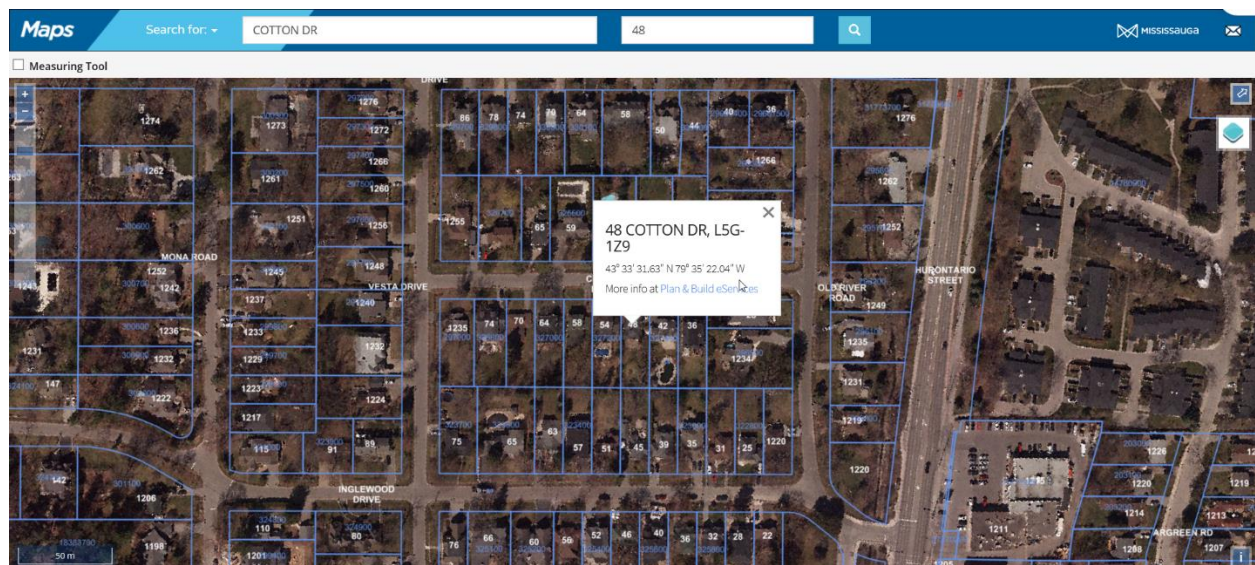
Other Applications

Site Plan Application: 20-108

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Mineola Road West. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing a two storey addition to the easterly side and rear portion of the existing dwelling, requiring variances related to garage projection, and deficient 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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area, speak to urban design policies regarding infill housing and states that new housing is encouraged to fit the scale and character of the surrounding area. The proposed dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed dwelling maintains compatibility with newer two storey dwellings and preserves the infill housing policies within the MOP. 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 garage projection of 1.01 m whereas a maximum of 0 m is permitted. The intent of the zoning by-law is to maintain a consistent streetscape while ensuring the garage is not the dominant feature of the dwelling. In this instance, the application proposes a one car garage that makes up a minor portion of the front façade which does not represent a dominant feature of the dwelling. Furthermore, the front covered porch maintains a setback greater than the projecting garage, limiting the overall impact of the requested projection, thereby maintaining a consistent streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2 to 4 relate to the deficient side yards and combined side yard width. Through discussions with the applicant's agent, the second storey on the easterly side of the dwelling will be recessed back from the first storey, therefore proposing a setback of 1 m whereas 1.81 m is required. The setback of 0.70 m whereas 1.20 m is required will remain. 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. The dwelling maintains the existing side yard setback on the westerly side of the dwelling and does not encroach further into the side yard, minimizing any negative impact. Through a comprehensive review of the immediate area, similar deficiencies are present throughout the neighbourhood. As such, the proposed variances preserves the existing and

planned character of the surrounding neighbourhood and maintains a sufficient buffer to neighbouring properties. 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 addition maintains compatibility with two storey dwellings within the immediate area and is in keeping with the surrounding neighbourhood and existing streetscape. The deficient setbacks are not out of character within the surrounding neighbourhood. The deficient side yard setbacks maintain a sufficient buffer to abutting properties and preserves access to the rear yard on the westerly side of the dwelling. 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 note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SPI-20/108. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing site plan approval application SPI 20-108. The variances requested are correct based on the review of the site plan approval plans received by Zoning staff on 11/24/2020.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Minor Variance Applications: A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner