

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A217.20 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 applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 38.2% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
2. An interior side yard measured to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. An exterior side yard measured to the garage face of 2.76m (approx. 9.06ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the garage face of 6.00m (approx. 19.69ft) in this instance;
4. A porch encroachment into the exterior side yard of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment into the exterior side yard of 1.60m (approx. 5.25ft) in this instance;
5. An exterior side yard of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance;
6. An encroachment into the exterior side yard for an architectural column of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, does not permit an encroachment into the exterior side yard for an architectural column in this instance;
7. An encroachment into the exterior side yard for a window well of 3.45m (approx. 11.32ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance;
8. An encroachment into the exterior side yard for a chimney of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance; and
9. An interior side yard measured to an A/C unit of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance.

Amendments

Variance #1 should be amended as follows:

A lot coverage of 38.62% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;

Background

Property Address: 1033 Eastmount Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

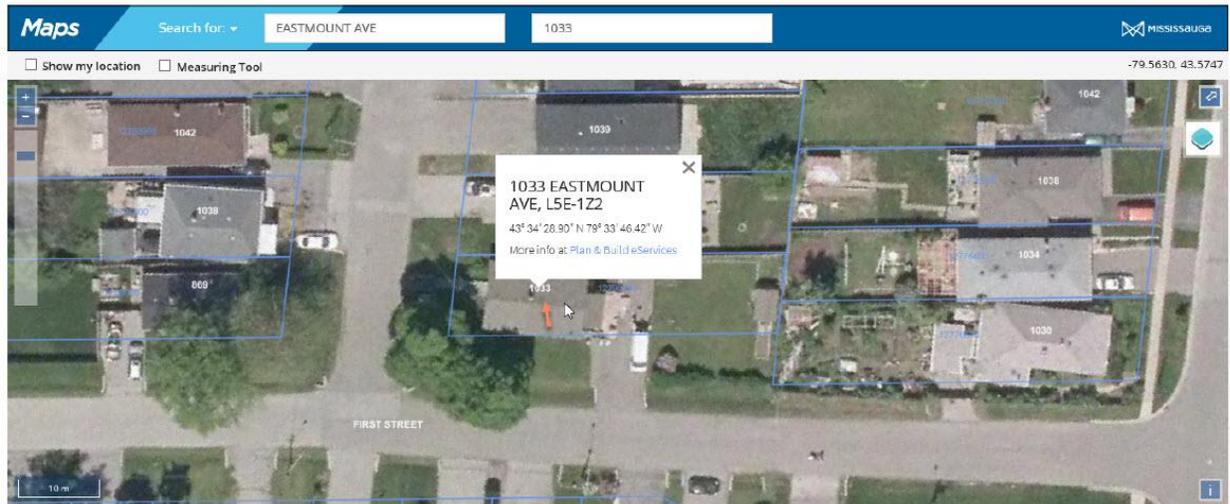
Other Applications

Pre-Application: 20-1010

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood is mostly residential consisting of one and two storey detached dwellings with limited mature vegetation within the front yard. A mix of commercial and office uses are also present within the broader area along Lakeshore Road East. The subject property contains an existing one storey detached dwelling.

The application was previously deferred from the August 18th, 2020 Committee hearing to allow for the redesign of the dwelling in order to reduce the size of the dwelling. The amended application has reduced the lot coverage and removed the dwelling depth variance from the previous application. The subject application proposes a new two storey dwelling with a detached garage, requiring variances for lot coverage, deficient exterior and interior 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. 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 proposed dwelling represents similar existing conditions for corner lots throughout the neighbourhood regarding deficient exterior side yard setbacks. The proposed dwelling maintains the existing and planned character of the neighbourhood and does not negatively impact the streetscape character. 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 lot coverage of 38.42% whereas a maximum of 35% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the lot coverage that exceeds the provision is directly attributed to the front covered porch and rear covered patio which make up approximately 5% of the total lot coverage.

Excluding these features, the dwelling would have a lot coverage of approximately 34%, maintaining the by-law regulation. The proposed covered porch and patio are open on three sides, thereby reducing the massing of the dwelling and any negative impact to the neighbouring property. Staff is of the opinion that the variance maintains the general intent and purpose of the zoning by-law.

The remaining variances relate to deficient exterior and interior side yard setbacks. A detailed review of the neighbourhood has revealed that many corner lots contain deficient exterior and interior side yard setbacks, thereby becoming an established characteristic of the neighbourhood. The proposed variances do not result in a building massing that will significantly impact the character of the streetscape and the neighbouring property. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the proposed variances raise no concerns of a planning nature in this instance.

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

The proposed dwelling maintains the existing and planned character of the neighbourhood and is similar to other corner lot dwellings within the immediate area. The increased lot coverage is attributed to the front covered porch and rear covered patio which does not present any massing concerns to the neighbouring property and the established streetscape. 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 addition will be addressed through the future Building Permit process. We note that the proposed location of the new garage will require access approval and possible removal of the shrubbery along First Street for site visibility issues.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-1010. Based on review of the information currently available for this building permit, we advise that the following variances should be amended as follows:

1. A lot coverage of 38.62% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;

Our comments are based on the plans received by Zoning staff on 11/09/2020 for the above captioned building permit application. 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: A. McCormack

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

Comments Prepared by: Diana Guida, Junior Planner