

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A55.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

Consolidated Recommendation

The City has no objection to the requested variances. 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 an addition proposing:

1. A lot coverage of 37.16% (189.43sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (179.43sq.m) in this instance;
2. A side yard (northerly) of 1.26m (approx. 4.13ft) whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
3. A side yard (southerly) of 1.14m (approx. 3.74ft) whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 4.13ft) in this instance;
4. A rear yard of 6.53m (approx. 21.42ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 (approx. 24.61ft) in this instance;
5. A rectangular garage area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular garage area of 7.34m x 5.64m (approx. 24.08ft x 18.50ft) in this instance; and
6. A width of dwelling and garage attachment above grade of 1.63m (approx. 5.48ft)whereas By-law 0225-2007, as amended, requires a minimum width of a dwelling and garage attachment above grade of 5.00m (approx. 16.40ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variance #5 should be amended to the following:

- A rectangular garage area of 7.34m x 5.64m (approx. 24.08ft x 18.50ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular garage area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance

Background

Property Address: 3047 Kirwin Avenue

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: PREAPP 20-4082

Site and Area Context

The property is located north-east of the Kirwin Ave and Dundas St. E intersection. The subject property is an interior parcel with a lot area of approximately +/- 509.73m² and a lot frontage of approximately +/- 13.70m. The site currently houses a detached dwelling with minimal vegetation and landscaping in the front and rear yards. Contextually, the surrounding neighbourhood consists exclusively of detached dwellings. The properties within the immediate area possess lot frontages of +/- 12.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing an addition to the principle dwelling, as well as a garage with a second storey. The proposed addition and garage requires variances for lot coverage, side and rear yard setbacks and width of garage attachment.



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 located within the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, 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 proposed detached dwelling respects the designated land use and maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 as requested pertains to lot coverage:

The intent in restricting lot coverage is to ensure that there is not an overdevelopment of the lot.

The proposed addition is located in the rear of the property. While the massing will be

noticeable from the street, the proposed 37.16% increase is marginal in nature and largely inconsequential to the public realm. For all intents and purposes the maximum lot coverage permitted under the by-law (35%) would result in a building with a similar massing. The additional 2.16% would have a negligible impact on the overall building size and is insignificant from the streetscape.

Variance #2, #3 and #4 as requested pertain to side yard setbacks:

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures and neighbouring properties, as well as ensuring access to the rear yard remains unencumbered. The proposed side yard variances of 1.26m and 1.14m, whereas 1.81m is required, are marginal in nature and provide an adequate buffer to the lot line, creating a sufficient amount of space on both sides for drainage and a visual buffer between the adjacent properties. The proposed rear yard setback of 6.53m whereas, 7.50m is required provides a sufficient amenity area. The proposed variance reflects the existing context of the neighbourhood and contains a sufficient buffer to the neighbouring properties. Staff is of the opinion that variances #2, #3 and #4 maintain the general intent and purpose of the zoning by-law.

Variance #5 and #6 as requested pertain to a rectangular garage area and the width of the garage attachment to the dwelling:

The intent of the zoning by-law is to ensure that the garage is proportional to the lot and dwelling. In this instance, the proposed garage of 7.34m x 5.64m is connected to the primary dwelling and located at the rear of the property, similar to other properties in the immediate vicinity. While the proposed increase in size may be noticeable from the street and adjacent properties, the variance is not a significant deviation from what the bylaw currently permits. Any reduction of the garage area would still result in a similar structural massing on the property. Furthermore, there is mature vegetation along the periphery of the lot, mitigating any potential impact from the proposed garage. As such, 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 subject property maintains the context of the surrounding neighbourhood and preserves the established character of the streetscape because the proposed addition is located at the rear of the property. 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. However the applicant may choose to defer the application to ensure that additional variances are not required.

Comments Prepared by: Brooke Herczeg RPP, 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: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 20-4082. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and 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: Alana Zheng, Zoning Examiner

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-55/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 8243 or by email at diana.guida@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner