

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): A53.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-22 1:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. 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 47.90% (135sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% (112.00sq.m) in this instance;
2. A gross floor area of 196.2sq.m (approx. 2111.88sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 169.00sq.m (approx. 1819.10sq.ft) in this instance;
3. 2 kitchen whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance;
4. A side yard measured to an air conditioning unit of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to an air conditioning unit of 0.61m (approx. 2.00ft) in this instance;
5. A rear yard measured to a deck of 4.83m (approx. 15.85ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a deck of 7.50m (approx. 24.61ft) in this instance;
6. A side yard (northerly) measured to the rear yard deck of 0.00m whereas By-law 0225-2007, as amended, required a minimum side yard measured to the rear yard deck of 1.80m (approx. 5.91ft) in this instance; and
7. A driveway width of 5.69m (approx. 18.67ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.75m (approx. 15.58ft) in this instance.

## Amendments

The Building Department is currently processing a building permit application under file PREAPP 20-4031. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

6. A side yard (northerly) measured to the rear yard deck of 0.00m whereas By-law 0225-2007, as amended, required a minimum side yard measured to the rear yard deck of 0.61m in this instance;

7. A driveway width of 5.92m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.75m (approx. 15.58ft) in this instance.

The following variance should be added:

A side yard (northerly) measured to the side yard deck stairs of 0.00m whereas By-law 0225-2007, as amended, required a minimum side yard measured to the rear yard deck of 1.20m in this instance;

Further, we note that variance #5 is not required.

## Background

**Property Address:** 4120 Uxbridge Lane

### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** RM2-2 - Residential

**Other Applications:** PREAPP 20-4031

### Site and Area Context

The property is located south-east of the Rathburn Rd E and Tomken Rd intersection, and currently houses a detached dwelling with minimal vegetation and landscaping in the front and rear yards. The subject property is an interior parcel with a lot area of approximately +/- 281.68m<sup>2</sup> and a lot frontage of approximately +/- 9.18m. Contextually, the surrounding neighbourhood consists exclusively of detached dwellings with lot frontages of +/- 10.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing an addition located atop the garage and a rear deck that requires variances for lot coverage, gross floor area, 2 kitchens, side yard setbacks and driveway width.



landscape of the character area. The proposed detached dwelling respects the designated land use thereby maintaining the general intent and purpose of the Official Plan.

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

Variations #1 and #2 as requested pertain to lot coverage and GFA:

The intent in restricting lot coverage and gross floor area is to ensure there is not an overdevelopment of the lot; and to maintain compatibility between the existing and proposed addition, while ensuring the existing planned character of a neighbourhood is preserved. The applicant previously brought a larger proposal to the committee on February 25, 2021, which was deferred for redesign. Since that time, the applicant has redesigned the proposed second storey addition atop the existing garage. The redesign has no significant impact on the overall massing of the subject property and will not impede upon the surrounding neighbourhood as the proposal is more cohesive with the surrounding dwellings. Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Variance #3 as requested pertains to an additional kitchen:

The applicant has proposed an additional kitchen area in the basement of the dwelling. The applicant has not applied for a secondary unit which has additional requirements under the zoning bylaw. As such the applicant refers to this area as a wet bar for entertaining. The proposed second kitchen in the basement does not have independent access from the exterior resulting in no exterior changes to the dwelling. Through a detailed review of the application, staff is of the opinion that the variance is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Variations #4, #5, and #6 as requested pertain to side yard and rear 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 on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The proposed side yard variance of 0.0m for the existing air conditioning unit, where 0.61m is required, is similar to the neighbouring properties, it is noted that access to the rear yard is available on the south side of the property. The applicant has also proposed a reduced setback of 0.00m to accommodate a deck on the south side of the property. The proposed deck is to be located at the rear and only covers a small portion of the rear yard. Furthermore the deck is elevated and poses no drainage concerns. Staff are of the opinion that the proposed deck is minor in nature and poses no planning concerns.

The Planning and Building department notes that variance #5 is not required.

Variance #7 as requested pertains to driveway width:

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. The zoning classification for the subject property, as per Zoning By-law 0225-2007, is zoned RM2-2 (Residential). Pursuant to Table 4.8.1 (RM1 and RM2 Permitted Uses and Zone Regulations), the maximum driveway width is 4.75m whereas, the applicant is proposing 5.69m. The proposed variance is a minor deviation and only allows for two vehicles to be parked side by side. Staff find variance #7 to be minor in nature and results in the orderly development of the lands.

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

While the Applicant is required to seek relief from multiple portions of the By-law, when viewed either individually or collectively, these are nominal in nature, and do not pose significant negative impacts. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

## **Conclusion**

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

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 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner