

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-28	File(s): A149.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-05-06 1:00 PM

Consolidated Recommendation

The City has no objection to the variance, as amended. 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 an exterior side yard measured to the second storey of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the second storey of 1.80m (approx. 5.91ft) in this instance.

Amendments

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

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing an interior side yard measured to the second storey of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 1.81m (approx. 5.91ft) in this instance.

Background

Property Address: 7602 Benavon Road

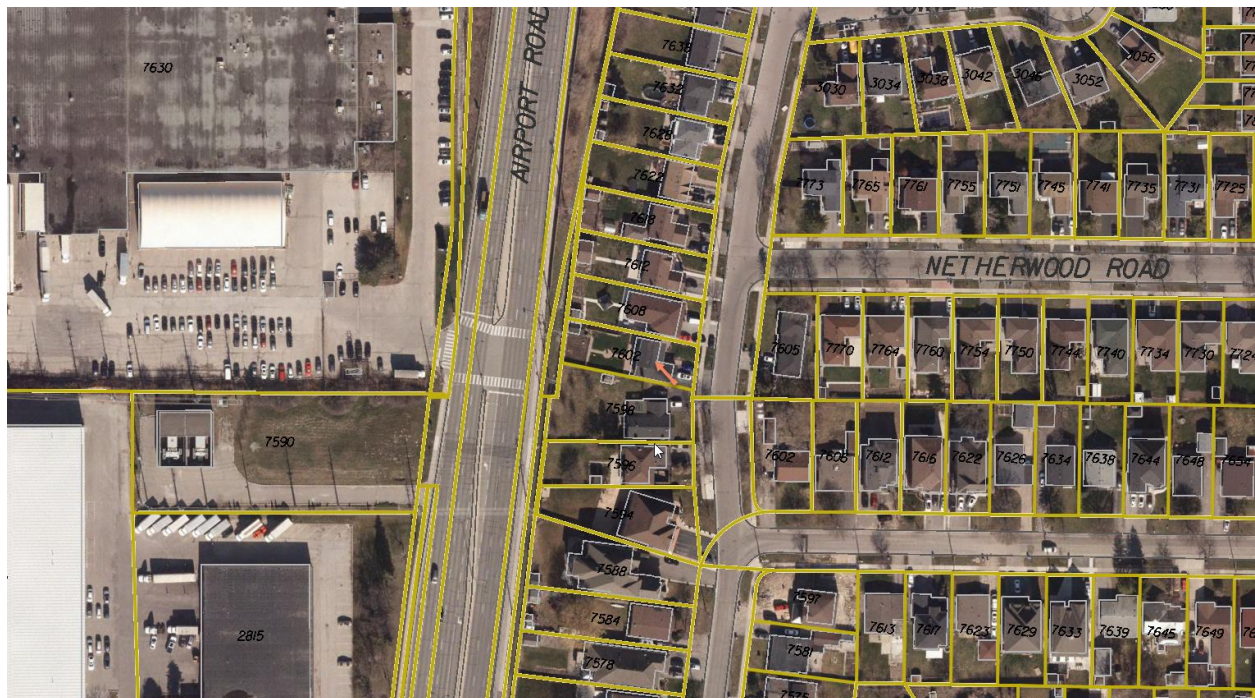
Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R3-69 - Residential****Other Applications: None****Site and Area Context**

The subject property is located south-west of the Airport Rd. and Thamesgate Dr. intersection. The property is an interior parcel with a lot area of +/- 701.33m² and a lot frontage of +/- 8.22m. It currently houses a two-storey, detached dwelling with limited vegetation/ landscape elements in the front and rear yards. Contextually, the neighbourhood consists only of two- storey detached dwellings. The properties possess lot frontages of +/- 15.0m, with minimal vegetation scattered throughout and minimal landscape elements within the front yards.

The applicant is proposing an addition over the existing garage requiring a variance for the side yard setback.



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 are as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex and triplex 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 MOP.

The proposed setback of 1.24m whereas 1.81m is required, is a minor deviation from what the by-law permits and provides a sufficient buffer between the massing of the primary structures and adjoining properties, while also ensuring appropriate access to the rear yard. Through a detailed review of the application, 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.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. 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 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. From a cursory review of the notice and aerial map, it appears that the variance is for an interior side yard and the R3-69 zone requires a setback of 1.81m to a second storey.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner