

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A222.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

Consolidated Recommendation

The City has no objection to the variance(s), as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard balcony and side deck proposing:

1. A balcony encroachment of 2.74m (approx. 8.99ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.00m (approx. 3.28m) in this instance;
2. A side yard measured to a deck of 0.21m (approx. 0.69ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a deck of 1.20m (approx. 3.93m) in this instance;
3. A driveway width of 6.40m (approx. 20.99ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.17m (approx. 20.24ft) in this instance; and
4. Two walkway attachments widths 2.21m (approx. 7.25ft) and 2.26m (approx. 7.41ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 2.20m (approx. 7.22ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variances #3 and #4 should be amended as follows:

4. A driveway width of 6.40m (approx. 20.99ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.2m (approx. 20.24ft) in this instance; and
5. Two walkway attachments widths 2.21m (approx. 7.25ft) and 2.26m (approx. 7.41ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.5m (approx. 4.92ft) in this instance.

Recommended Conditions and Terms

"[Enter terms and conditions here]"

Background

Property Address: 4286 Greybrook Crescent

Mississauga Official Plan

Character Area: Rathwood NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007

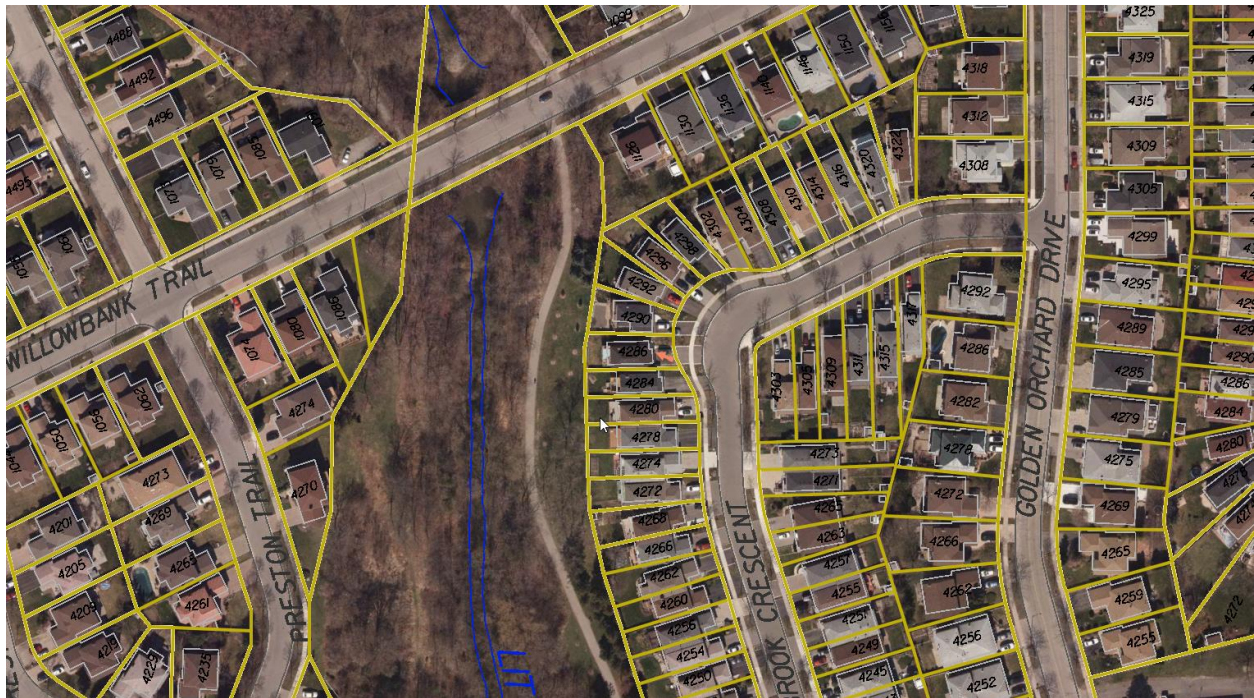
Zoning: RM1 - Residential

Other Applications: Building Permit 19-8573

Site and Area Context

The subject property is located south-east of the Eastgate Parkway and Tomlen Road intersection, and currently houses a two-storey, detached dwelling with moderate vegetation and landscape elements in the front yard. The subject property is an interior parcel, with a lot area of approximately +/-373.85m² and a lot frontage of approximately +/- 11.6m. Contextually, the surrounding neighbourhood consists exclusively of detached and semi-detached dwellings. The properties within the immediate area possess lot frontages of +/- 9.05m, with moderate vegetative / natural landscaped elements within the front yards.

The applicant is proposing the construction of a rear yard balcony and side deck requiring variances for a balcony encroachment, a side yard measured to deck and driveway and walkway width.



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 I in Schedule 10 of the Mississauga Official Plan (MOP) which 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 driveway, walkway, rear yard balcony and side deck are compatible with the surrounding area and do not directly affect the adjoining properties. 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 as requested pertains to a balcony encroachment:

The purpose of a maximum balcony encroachment is to ensure that balconies are not situated too close to property lines in order to protect the privacy of the neighbouring property. The proposed balcony maintains a 4.76 m setback from the rear lot line. Staff are of the opinion that this provides an adequate buffer between the structure and the lot line. Furthermore, the proposed balcony does not present any privacy or massing concerns, as it faces a public walking trail located south-west of the property and cannot be seen from the street.

Variance #2 as requested pertains to side yard measured to deck:

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 applicant proposes a side yard measured to a deck of 0.21m, whereas the by-law requires a minimum side yard measured to a deck of 1.20m. Staff have no concerns with the proposed side yard measured to deck, as full access to the rear yard is maintained from the north-east side of the dwelling. Furthermore, the existing deck in the side yard setback does not overlook or created privacy issues for either the applicant or abutting property owner. Planning Staff are of the opinion that the proposed side yard measured to deck maintains the intent of the by-law.

Variance #3 as requested pertains to driveway width:

The intent of the zoning by-law in regulating individual driveway widths is to establish a driveway wide enough to accommodate space necessary for two vehicles parked side-by-side, with the remainder of lands being soft landscaping. The applicant has proposed a driveway width of 6.40m whereas 5.2m is permitted under the by-law. The proposed driveway width would not accommodate more than two vehicle spaces. Furthermore, the proposed driveway maintains an adequate amount of soft landscaping on the property and presents no concerns to the overall streetscape. Planning Staff are of the opinion that the proposed driveway maintains the intent of the by-law.

Variance #4 as requested pertains to walkway attachments:

The intent of this portion of the bylaw is to provide a convenient and dedicated pathway to accommodate pedestrians as well as to define an entryway to the principle dwelling. The by-law allows a hard-surfaced pathway from the driveway to the front entrance, while ensuring that the hard surface area cannot be utilized for parking purposes. The applicant has proposed walkways of 2.21m and 2.26m, whereas 1.5m is permitted under the by-law. Staff has no concerns with the proposed walkways. Given the nature of the walkway design, it is not possible to accommodate vehicular access and parking. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

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

Based on the provided drawings, the variances pose negligible impacts to the neighbouring properties and streetscape. Planning Staff are of the opinion that that the variances related to are minor in nature and represents the orderly development of the lands.

Conclusion

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

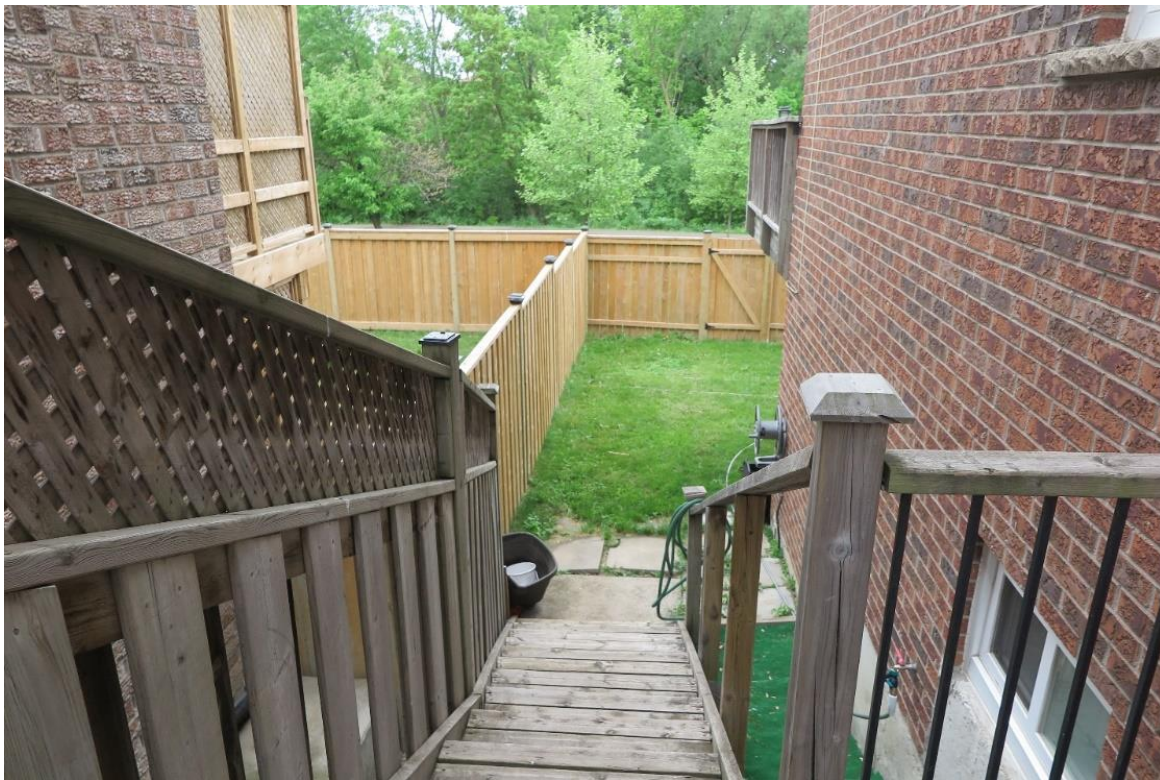
Comments Prepared by: Connor DiPietro, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos which depict the existing driveway and the side yard deck. Acknowledging the significant grade differential from the side yard deck to the rear yard we note that the existing drainage pattern has not been impacted.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9ALT 19-8573. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above building permit application submitted on 2021/04/06 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

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 Toronto and Region Conservation Authority (TRCA).

The Region relies on the environmental expertise of the TRCA 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 TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

This letter acknowledges receipt of the above noted application circulated by the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) on May 11, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU)

with the Region of Peel, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

The purpose of Minor Variance Application A 222/21 is to allow the construction of a rear yard balcony and side deck proposing:

1. A balcony encroachment of 2.74m (approx. 8.99ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.00m (approx. 3.28m) in this instance;
2. A side yard measured to a deck of 0.21m (approx. 0.69ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a deck of 1.20m (approx. 3.93m) in this instance;
3. A driveway width of 6.40m (approx. 20.99ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.17m (approx. 20.24ft) in this instance; and
4. Two walkway attachments widths 2.21m (approx. 7.25ft) and 2.26m (approx. 7.41ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 2.20m (approx. 7.22ft) in this instance.

It is our understanding that the purpose of the above variance is to allow the existing rear deck, side deck and the walkways to remain.

Background

It is our understanding that TRCA issued two permits to recognize an 18.16 sq.m. (195.7 sq.ft.) rear and a 11.58 sq.m. (124.65 sq.ft.) side decks at the subject property (C-190978 CNF 62107 and C-210109 CFN 64422). It is also our understanding that TRCA staff previously reviewed Minor Variance Application A 461/19 for the driveway at the subject property.

Ontario Regulation 166/06

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located adjacent to a valley corridor of Etobicoke Creek and within its associated Regional Floodplain. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the property.

Application Specific Comments

Based on our review, it appears that the proposed works are located within TRCA's Regulated Area and within the Regulatory Flood Plain associated with the Etobicoke Creek. Additionally, it appears that the proposed works in this application are consistent with the above noted approved permits. As such, TRCA staff have no concerns with the proposed variances, as currently submitted.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 222/21.

We trust these comments are of assistance. Should you have any questions, please contact me at 416-661-6600 extension 5657 or at Lina.alhabash@trca.ca.

Comments Prepared by: Lina Alhabash, Planner I