

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A259.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 1:00 PM

Consolidated Recommendation

The City has no objections to variances # 1-3, however, recommend that the remaining variances be refused. The applicant may wish to defer the application to ensure the accuracy of the requested variances.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A southerly side yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
2. A northerly side yard of 1.26m (approx. 4.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
3. A balcony encroachment into a side yard of 0.51m (approx. 1.67ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment into a side yard of 0.00m in this instance;
4. A driveway width of 7.95m (approx. 26.08ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and
5. A soft landscaped area of 37.7% of the front yard whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.00% of the front yard in this instance.

Background

Property Address: 3217 Strabane Drive

Mississauga Official Plan

Character Area: Erindale Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

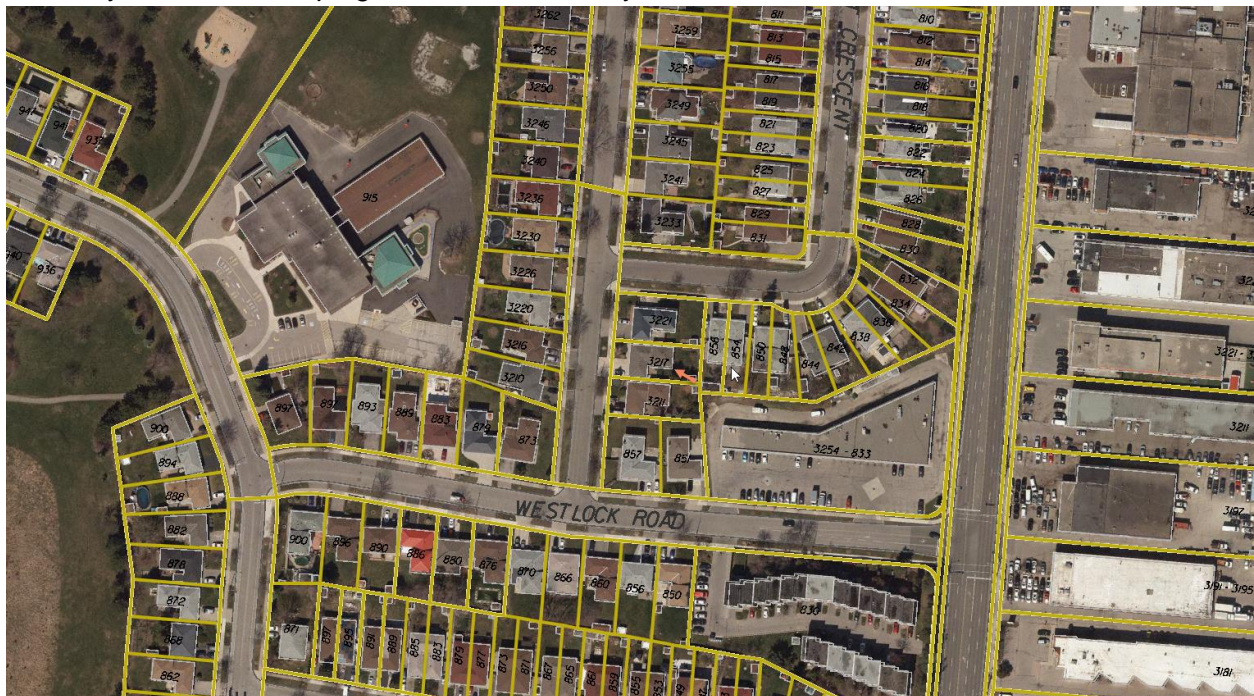
Zoning: R3 - Residential

Other Applications: PREAPP 21-6187

Site and Area Context

The subject property is located west of Wolfedale Road, between Dundas Street West and the Milton GO Line tracks. The property currently contains a detached split level home which represents a common built form in the immediate vicinity. Semi-detached and townhome dwellings are also present, along with industrial uses on the east side of Wolfedale Road. Pockets of vegetation can be seen throughout the area. The subject property has a frontage of +/- 15.24m and an area of +/-557.5m².

The applicant is proposing a second storey addition requiring variances for building setbacks, driveway width, landscaping area, and a balcony encroachment.



Comments

Planning

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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 Erindale Neighbourhood Character Area and is designated Residential Low Density II. This designation allows for a variety of built forms with individual frontages, including detached dwellings. Section 9 of the MOP promotes development (including its features such as driveways) 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. Staff are of the opinion that while variances #1-3 maintain the general intent and purpose of the Official Plan, variances #4 & 5 do not as the proposed driveway and associated reduction in soft landscape area are neither appropriate site design nor are they compatible with the surrounding context.

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

Variances #1 & 2 relate to the northerly and southerly setbacks for the proposed addition. The intent of the side yard provisions in the by-law are to ensure an adequate buffer exists between the massing of primary structures on abutting properties, and to ensure that access to the rear yard remains unencumbered. The proposed addition is strictly a second floor addition, with the proposed second storey walls aligning with the existing walls on the first storey. Access to the rear yard will be maintained as it exists, and the impact of the massing on adjoining properties is minimal. No variances are requested for height or lot coverage. Staff are of the opinion that variances #1 & 2 maintain the general intent and purpose of the by-law.

Variance #3 is in regards to a balcony encroachment into a side yard. The purpose of a maximum balcony encroachment is to ensure that balconies are not situated too close to property lines which can result in overlook situations and loss of privacy. There is a distinction between balcony projection, which limits how far the balcony can project from the building, and balcony encroachment, which measures how far into a required yard a balcony can encroach. The proposed balcony is in line with the existing first storey and proposed second storey wall and does not encroach any further towards the property line than the building itself. This, in combination with its location on the lot and the built form of the proposal and neighbouring lot, mitigates privacy loss and overlook concerns. Variance #3 maintains the general intent and purpose of the By-law.

Variances #4 & 5 are for the driveway width and associated reduction in the front yard soft landscaped area. The intent of the by-law regarding driveway widths is to permit a driveway large enough to suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. The driveway, as proposed, represents more than 50% of the front yard, resulting in a significant amount of hardscaping in the front yard, which is not consistent with the established neighbourhood. The subject property does not possess the frontage that is able to support a driveway as proposed while also providing a suitable soft

landscape area. Therefore, variances #4 & 5 do not meet the general intent and purpose of the by-law.

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

Variances #1-3 relate to the construction of the addition, which represents desirable development of the lands. The impacts of the variances to neighbouring properties are minimal and the proposed massing is appropriate for the lot. Variances #4 & 5, however, represent an inappropriate increase in hardscaping in the front yard, which is not minor in nature and does not represent desirable development of the subject lands.

Conclusion

The Planning and Building Department has no objections to variances # 1-3, however, recommend that the remaining variances be refused.

Comments Prepared by: Alexander Davies, 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 dwelling will be addressed through the Building Permit Process.

With regards to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.





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.

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: Daniel Grdasic, Planning Associate

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner