

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A303.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the balcony.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard balcony proposing a rear yard of 3.70m (approx. 12.14ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 6.50m (approx. 21.32ft) in this instance.

Amendments

The following variances should be added:

- 2) A maximum lot coverage of 47.97%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.
- 3) A minimum setback of 0.40 m (1.31ft) to an accessory structure in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft) to accessory structures in the rear yard, in this instance.

Background

Property Address: 4161 Highgate Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density II

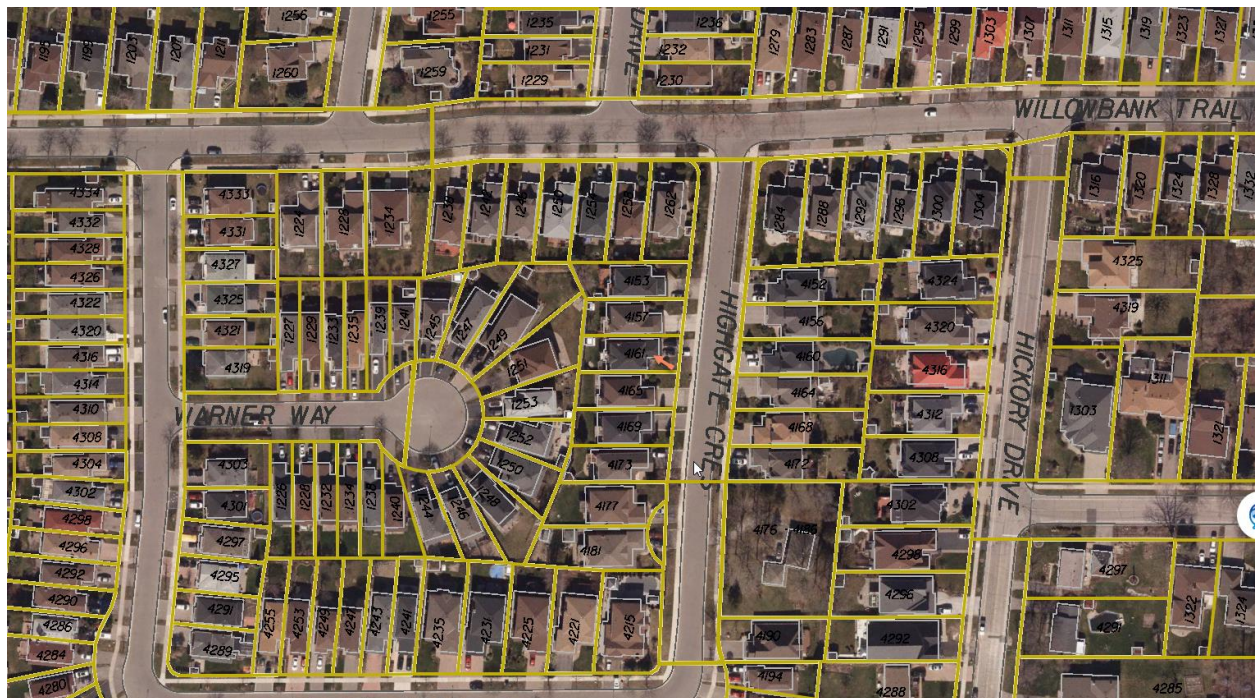
Zoning By-law 0225-2007

Zoning: R4-7 - Residential

Other Applications: BP 9ALT 21-5853**Site and Area Context**

The subject property is located south-west of the Dixie Road and Eastgate Parkway intersection within the Rathwood Neighbourhood Character Area. The property contains a two storey detached dwelling with an attached double car garage. The neighbourhood predominantly consists of detached dwellings, however semi-detached homes are present as well. The subject property has a lot frontage of +/- 12.57m and an area of +/- 432.67m². The only vegetation on the property is a mature tree in the front yard.

The applicant is proposing to reconstruct and expand the balcony on the dwelling requiring a variance for the rear 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 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 in the Rathwood Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). In this character area the Residential Low Density II designation permits detached, semi-detached, duplex, triplex and townhouse dwellings, as well as other forms of low rise dwellings with individual frontages. 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. While rear yard balconies are present in the area due to the sloping grades of the properties to the rear, the proposal represents a significantly sized balcony that is not compatible with the surrounding context.

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

The intent of the rear yard regulations in the by-law are to ensure an adequate buffer exists between the massing of structures on adjacent properties and also to ensure there is an appropriate amenity area within the rear yard. While the open balcony does not create a significant massing concern, the proposal would create an abnormally small amenity area in the rear yard and prohibit its functionality. This concern is further exacerbated by the existing rear yard shed. Therefore staff are of the opinion that the general intent and purpose of the by-law are not maintained.

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

Further to the above concerns, the proposed balcony creates a significant impact on surrounding properties due to loss of privacy and overlook. The proposed balcony projects well beyond the rear wall of adjacent dwelling and pushes significantly closer than permitted to the property to the rear. This impact cannot be considered minor and would not represent the appropriate development of the subject lands.

Conclusion

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the balcony.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to reconstruct the rear yard balcony. We are also noting that the proposed balcony will have no impact on the existing drainage pattern on the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9ALT 21-5853. Based on review of the information currently available in this permit application, the variance, as requested are correct.

In addition, the following variances should be added:

- 4) A maximum lot coverage of 47.97%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.
- 5) A minimum setback of 0.40 m (1.31ft) to an accessory structure in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft) to accessory structures in the rear yard, in this instance.

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: Brandon Eidner, Zoning Examiner