

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A351.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A side yard measured to the dwelling of 3.64m (approx. 11.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the dwelling of 7.00m (approx. 22.96ft) in this instance; and
2. A rear yard of 7.37m (approx. 24.18ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 13.00m (approx. 42.65ft) in this instance.

### Amendments

1. A rear yard measured to the dwelling of 3.64m (approx. 11.94ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to the dwelling of 7.00m (approx. 22.96ft) in this instance; and
2. A setback of 7.37m (approx. 24.18ft) whereas By-law 0225-2007, as amended, requires a minimum setback to lands zoned U-3 of 13.00m (approx. 42.65ft) in this instance.

## Background

**Property Address:** 3835 Janice Drive

### Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood  
Designation: Residential Low Density II

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**Zoning By-law 0225-2007**

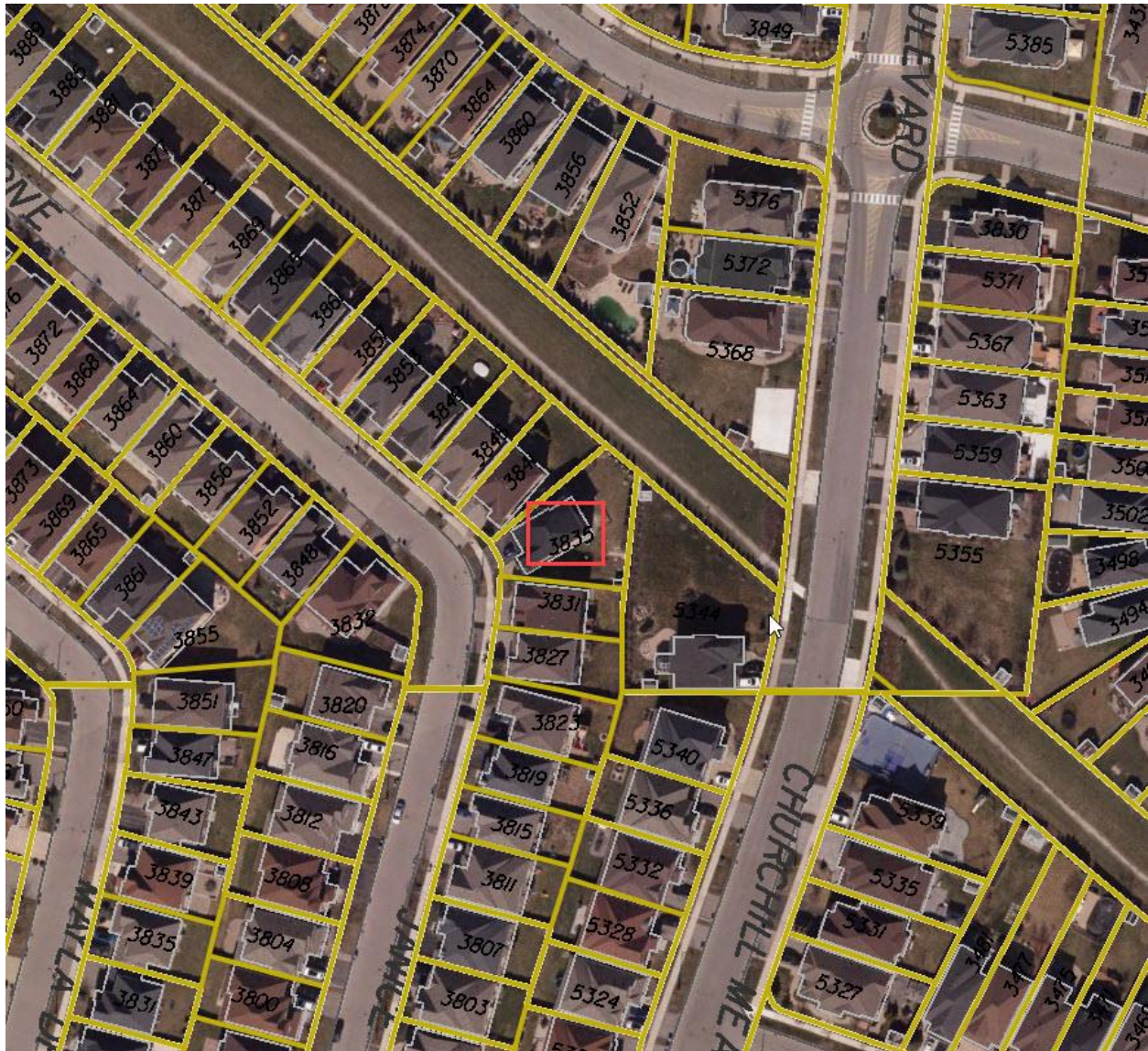
**Zoning: RM1-8 - Residential**

**Other Applications:** BP 9ALT 21-6328

**Site and Area Context**

The subject property is located north-west of the Erin Centre Boulevard and Churchill Meadows Boulevard intersection and contains a detached two storey dwelling with an attached garage. It is a pie shaped lot located on the curve of Janice Drive and partially backs onto an open green space. The surrounding neighbourhood is comprised exclusively of detached dwellings. The lot contains minimal vegetation and landscape elements, which is characteristic of the area.

The applicant is proposing a rear addition requiring variances for setbacks.



## 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 Churchill Meadows Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other 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 the applicant is proposing an addition to a permitted detached dwelling, staff are concerned about the massing impacts due to the reduced yard as well as a reduced setback to a pipeline. Staff are of the opinion that the proposal is not compatible with the existing site conditions and surrounding context and therefore does not maintain the general intent and purpose of the Official Plan.

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

Both of the requested variances relate to a reduction in setbacks for the proposed addition. The first variance is for a rear yard abutting another residential property. The intent of the provision is to ensure there is an appropriate rear yard amenity area as well as maintaining an appropriate buffer between properties. While the property would be able to maintain an appropriate rear yard amenity area due to its size and shape, an appropriate buffer is not being maintained between properties. Furthermore this reduced buffer exacerbates the potential overlook condition from the proposed second floor balcony. The second variance is for a setback to a U-3 zone. The intent of this provision is to ensure a sufficient setback for safety from the existing pipeline. Staff are in agreement with the concerns raised by Sun Canadian regarding proximity to the pipeline and are of the opinion that neither variance maintains the general intent and purpose of the Zoning By-law.

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

It is the opinion of staff that the proposal does not represent appropriate development of the subject lands. Concerns include safety concerns raised by Sun Canadian Pipelines as well as privacy from the proposed balcony. The reduced setback creates an overlook situation into abutting properties that staff are unable to support. Staff are therefore also of the opinion that the application is therefore not minor in nature.

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 sunroom addition will be addressed through the Building Permit Process. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.





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 21-6328. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A rear yard measured to the dwelling of 3.64m (approx. 11.94ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to the dwelling of 7.00m (approx. 22.96ft) in this instance; and
2. A setback of 7.37m (approx. 24.18ft) whereas By-law 0225-2007, as amended, requires a minimum setback to lands zoned U-3 of 13.00m (approx. 42.65ft) 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.

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Comments Prepared by: Brandon Eidner, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by Hydro One and leased by the City of Mississauga, known as Nine Creeks Trail.
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](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner