

City of Mississauga Department Comments

Date Finalized: 2021-09-29	File(s): A303.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application as requested. The applicant should submit updated building permit drawings to coordinate with the drawings that are deemed satisfactory to Development and Design Division staff.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a rear yard balcony proposing:

1. A rear yard of 4.71m (approx. 15.45ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 6.50m (approx. 21.32ft) in this instance;
2. A maximum lot coverage of 43.79%, whereas By-law 025-2007, as amended, permits a maximum lot coverage of 40.00% in this instance; and,
3. A minimum setback of 0.40m (1.31.ft.) 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 (41.24ft) and an area of +/- 432.67m² (4,657.22ft²). 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 an existing dwelling, as well as legalize an existing accessory structure, requiring a variance for setbacks and lot coverage.



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. Rear yard balconies are present in the area due to the sloping grades of the properties to the rear, and staff are of the opinion that the proposal represents an appropriately sized balcony that is compatible with the surrounding context.

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

Variance 1 requests a reduced side yard measured to the balcony. 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. The open balcony does not create a significant massing concern and the proposal has been modified to provide an appropriate amenity area in the rear yard.

Variance 2 requests an increased lot coverage. The lot coverage regulations in the by-law are to prevent the overdevelopment of a lot. Staff are satisfied that the proposed lot coverage is characteristic of the adjacent lots and that the increased lot coverage due to the balcony does not have the same impact on abutting properties compared to an addition of living space of the same size.

Variance 3 requests a reduced side yard measured to an existing shed. Side yard regulations are to ensure there is a sufficient buffer between structures on abutting properties. Given the size and height of the shed comply with the Zoning By-law staff are satisfied that the reduced setback to the shed will not negatively impact the abutting property and that there is sufficient space for maintenance of the shed.

Staff are satisfied that the variances all maintain 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?

While in other instances the rear balcony may lead to concerns regarding overlook, staff note that due to the topography of the area and the existing conditions for houses along this side of Highgate Crescent, the proposal creates no more overlook and causes no additional loss of privacy when compared to what is permitted as of right. Staff are therefore satisfied that the application represents appropriate development of the subject lands and any impacts are minor in nature.

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 variances, as requested should be amended as following:

1. A rear yard of 3.7m (approx. 12.14ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 6.50m (approx. 21.32ft) in this instance;
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.

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