

City of Mississauga Department Comments

Date Finalized: 2021-10-27	File(s): A418.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 12:00:00 AM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of covered rear and side patio proposing:

1. A rear yard setback of 0.29m (approx. 0.95ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61 (approx. 2.00ft) to the porch in this instance;
2. An interior side setback of 0.00m to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum interior side setback of 0.16m (approx. 0.52t) to the eaves overhang in this instance;
3. An interior side yard setback of 0.29m (approx. 0.95ft) to the garage whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to the garage in this instance;
4. An interior yard setback of 0.00m to the eaves overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.75m (approx. 2.46ft) to the eaves overhang in this instance; and
5. A lot coverage of 37.62% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 485 Chantenay Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

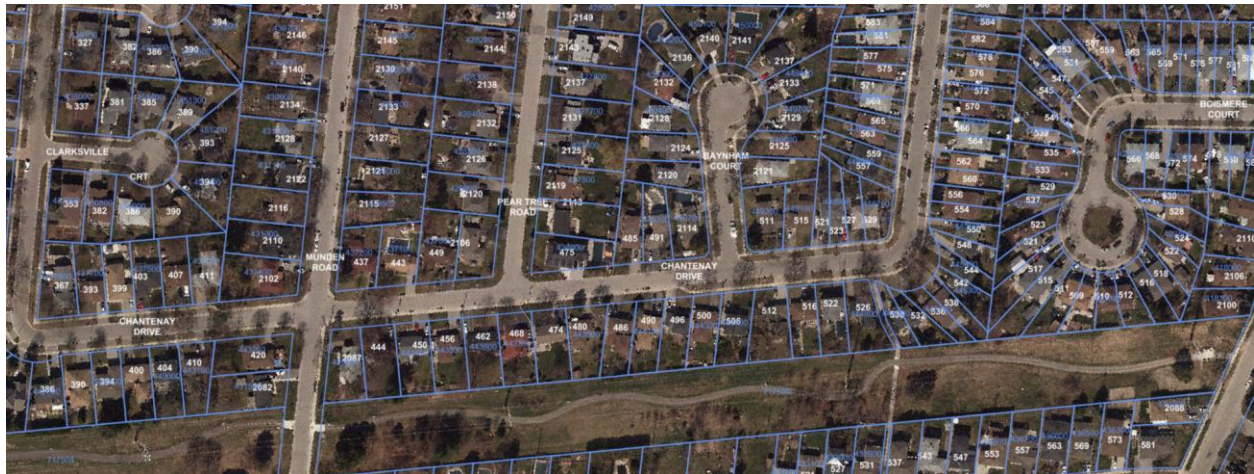
Zoning: R3 - Residential

Other Applications: BP 9ALT 21-6770

Site and Area Context

The subject property is located north-west of the Cawthra Road and Queen Elizabeth Way interchange in the Cooksville neighbourhood. Currently the property contains a detached dwelling with an attached garage. The surrounding context is exclusively residential, with a mix of detached and semi-detached dwellings. There is limited vegetation and landscaping in both the front and rear yards.

The applicant is proposing rear and side patios requiring variances 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:

The subject property is located in the Cooksville 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.

Staff have reviewed the application and have several concerns relating to the proposed setbacks. The intent of setback regulations in the by-law is to ensure an appropriate buffer between structures on abutting properties and to ensure adequate drainage. Staff are concerned with the proposed setbacks, especially the 0 metre setbacks, and their potential impacts on drainage and massing to abutting properties. Furthermore Transportation & Works note that they have concerns regarding the infringement of the patio into an existing easement. Staff therefore recommend that the application be deferred.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

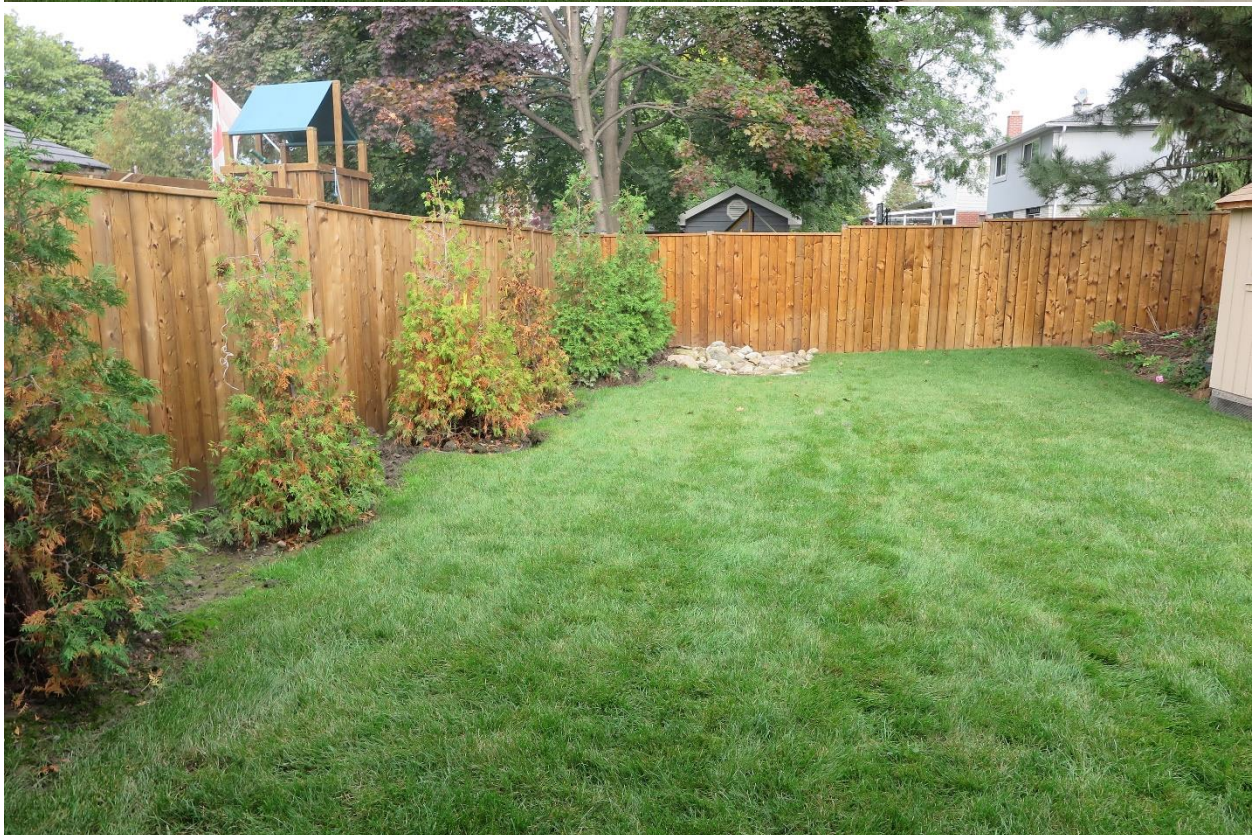
Appendices

Appendix 1 – Transportation and Works Comments

We have enclosed photos depicting the existing as constructed covered rear and side patio and also a photo of the existing catch basin in the rear yard. As depicted on the Site Plan submitted with the application, the existing covered patio has been constructed within the limits of an easement. We note that this is a city storm sewer easement. In accordance with City Plan and Profile Dwg C-08405 and Storm and Sanitary Sewer Plan Dwg C-08401 [both plans prepared by G.V. Kleinfeldt & Associates Ltd. and dated June 1966] there is an existing 3.05m (10.0ft) storm sewer easement which contains a 10 inch catchbasin lead extending into the rear yard where there is a catch basin. A review of the Grading Plan approved for this plan subdivision (Plan C-08403, dated June 1966) also indicates that the rear yards of the lots (approximately 4 lots) on the west side of Baynham Court were designed such that drainage from the rear yards was to be directed into the catch basin located on this property.

From our site inspection, and as evident in the photo provided, the existing catch basin has not been impeded and appears to be accommodating drainage from the lots to the north (lots fronting onto Baynham Court), however, it should be noted that we could only visually inspect what is visible from the rear yard of 485 Chantenay Drive.

With respect to the existing as constructed covered porch within the easement, this department **cannot support** a permanent encroachment into the existing City storm sewer easement. The storm sewer easement is there to protect the storm pipe for damage and to provide a free and unencumbered area should the sewer need replacing in the future. The easement language which is registered on title of the property prohibits buildings or structure within the storm sewer easement. All permanent structures such as the covered porch in the side and rear yard within the easement are to be removed from the easement and reinstated with appropriate landscaping as permitted within the easement. The current built covered porch structure make it impossible to maintain or replace the storm sewer should it fail in the future. Therefore, this department requests **refusal** of the side yard variance requests and eaves requests as it relates to the covered porch in the side and rear yard that encroach in to the storm sewer easement.







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 21-6770. 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 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