

City of Mississauga Department Comments

Date Finalized: 2021-11-10	File(s): A474.21 Ward 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction an addition proposing a rear yard setback of 5.3m (approx. 17.4ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.5m (approx. 24.6ft) in this instance.

Amendments

Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

2. A deck encroaching 5.50m into the required rear yard, where as By-law 0225-2007, as amended, permits a deck to encroach a maximum of 5.0m into the required rear yard, in this instance;

Background

Property Address: 651 Kozel Crt

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

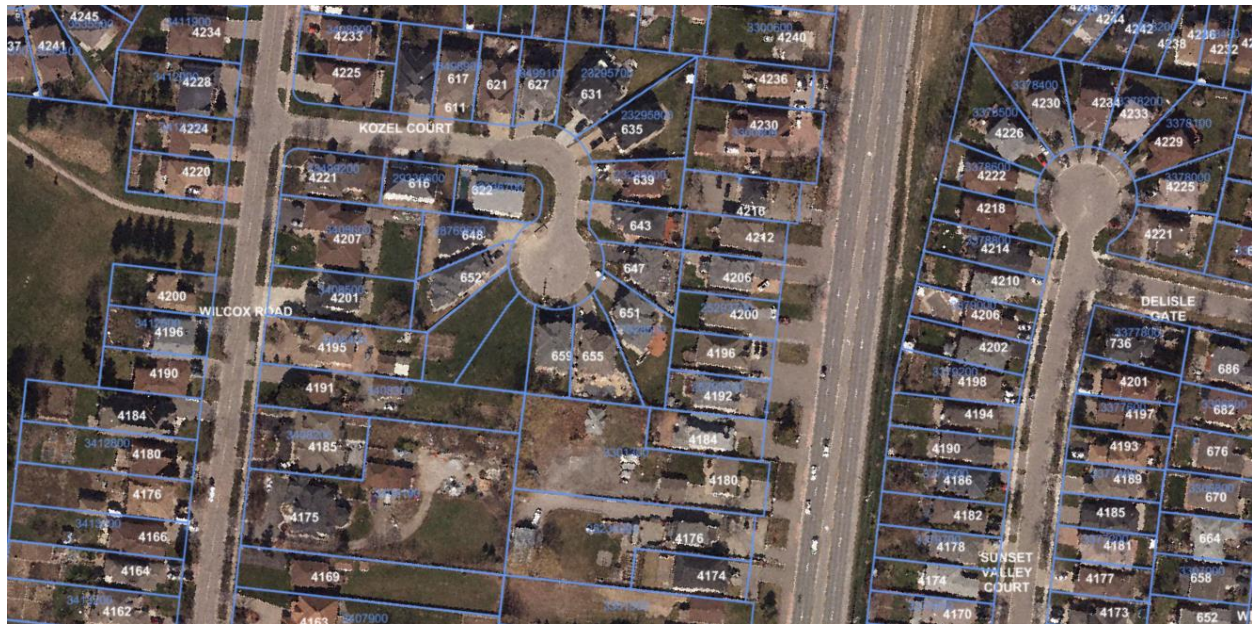
Zoning: R4 - Residential

Other Applications: BP 9ALT 21-7828

Site and Area Context

The subject property is located south-west of the Cawthra Road and Meadows Boulevard intersection in the Rathwood neighbourhood. It currently contains a detached dwelling with an attached garage and has a lot area of +/- 771.1m² (8,300ft²). There are limited landscaping and vegetation elements in both the front and rear yards. The surrounding context is exclusively detached residential dwellings, however lot sizes vary significantly.

The applicant is proposing a rear addition 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 I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings, semi-detached dwellings, and duplex uses. 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. The proposed addition is appropriately sized for the site and does not alter the property's use as a permitted detached dwelling. Staff are satisfied that the general intent and purpose of the Official Plan is maintained.

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

The requested variance is a reduction in the rear yard setback requirement. The intent of a rear yard setback is to ensure an adequate buffer between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. Staff note that due to the positioning of the house on the property, the reduced setback is only measured to a single pinch point at the corner of the addition and that much of the addition complies with the rear yard requirement. Furthermore the property is generously sized and maintains an appropriate rear yard amenity area.

Zoning staff have identified an additional variance relating to the encroachment of the existing deck into the rear yard. The intent of this provision is to ensure that the features of the development maintain appropriate setbacks to the property line and to ensure that drainage can be maintained. The existing deck maintains an appropriate setback from the rear property line and only a small portion encroaches beyond the permitted 5 metres.

Staff are therefore of the opinion that the proposal 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?

Staff are satisfied that the proposal represents appropriate development of the subject property. The proposed addition is a single storey and appropriately located on the property, thereby limiting impacts on abutting properties to a degree that is minor in nature. The variance regarding the deck represents an existing condition that has no impacts to abutting properties and maintains an appropriate setback to the property line.

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 construction of the addition will be addressed through the Building Permit process.

From our site inspection we also note that there is an existing catchbasin located in the rear of this property which accommodates a significant portion of the drainage in the rear yard, although drainage in the area of the addition was intended to drain towards the front yard.





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 21-7828. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

2. A deck encroaching 5.50m into the required rear yard, where as By-law 0225-2007, as amended, permits a deck to encroach a maximum of 5.0m into the required rear yard, in this instance;

Our comments are based on the plans received by Zoning staff on 10/21/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner