

City of Mississauga Department Comments

Date Finalized: 2021-11-10	File(s): A478.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction an addition proposing:

1. A landscape buffer depth of 1.2m (approx. 3.9ft) measured from a lot line that is a street line whereas By-law 0225-2007, as amended, requires a minimum landscape buffer depth of 4.5m (approx. 14.8ft) measured from a lot line that is a street line in this instance;
2. A front yard setback of 5.35m (approx. 17.55ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance; and
3. A side yard setback of 1.2m (approx. 3.9ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.8m (approx. 5.9ft) in this instance.

Background

Property Address: 5329 Ninth Line

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM1-25; R1 - Residential

Other Applications: SP 21-106**Site and Area Context**

The subject property is located on the east side of Ninth Line, south of the intersection with Tacc Drive, in the Churchill Meadows neighbourhood. It currently contains a single storey structure used as a day care. The property has a frontage of +/- 44.85m (147.15ft) and is one of only two properties in the area to front onto Ninth Line. The surrounding context is primarily residential, consisting of detached and semi-detached dwellings, and the Churchill Meadows Community Centre is located across the street.

The applicant is proposing an addition requiring variances for the side and front yard setbacks, as well as the landscape buffer.

**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). 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 location of the proposed addition is at the front of the property as opposed to the rear. This limits impacts on the abutting residential properties by directing the additional massing away from the dwellings and is appropriate for the subject property. 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?

Variances 1 and 3 relate to the landscape buffer and side yard setback on the north side of the property abutting Arvona Place. These provisions seek to ensure an appropriate buffer to the property line and to abutting structures respectively. The requested variance represents an existing condition. The proposed addition is to be built in line with the existing side wall of the building along Arvona Place thereby limiting the impacts of the reduction on surrounding properties.

Variance 2 requests a reduction in the front yard. The intent of the front yard setback provision is to ensure sufficient space in the front of the property for landscaping and an appropriate setback from the street. Staff note that the front property line is on an angle when compared to the proposed addition, creating a punch point at the closest point of the building. Furthermore the location of the addition will require the removal of part of the existing driveway which will increase landscaping area and prevent the addition from overlooking existing residential properties.

Given the above staff are 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 of the opinion that the proposed addition represents appropriate development of the property, and that the proposed addition will have only minor impacts on abutting properties. Placing the addition at the front of the property will bring the structure closer to Ninth Line, thereby preventing any privacy concerns from abutting residential properties and maintains an appropriate outdoor playground for the property.

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 addition are being addressed through the Site Plan Application process, File SP-21/106.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 21-106. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 07/04/2021 for the above captioned site plan 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