

# City of Mississauga Department Comments

Date Finalized: 2021-11-17	File(s): A420.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-25 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application in order 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 of an addition to the dwelling proposing:

1. A rear yard setback of 6.16m (approx. 20.21ft) for 56.55% of the width of the rear wall of the dwelling, whereas By-law 0225-2007, as amended, permits a rear yard setback of 6.00m (approx. 19.69ft) for a maximum of 50.00% of the width of the rear wall of the dwelling in this instance; and
2. A rear yard setback of 6.16m (approx. 20.21ft) where as By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.97ft) in this instance.

## Background

**Property Address:** 5757 Macphee Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

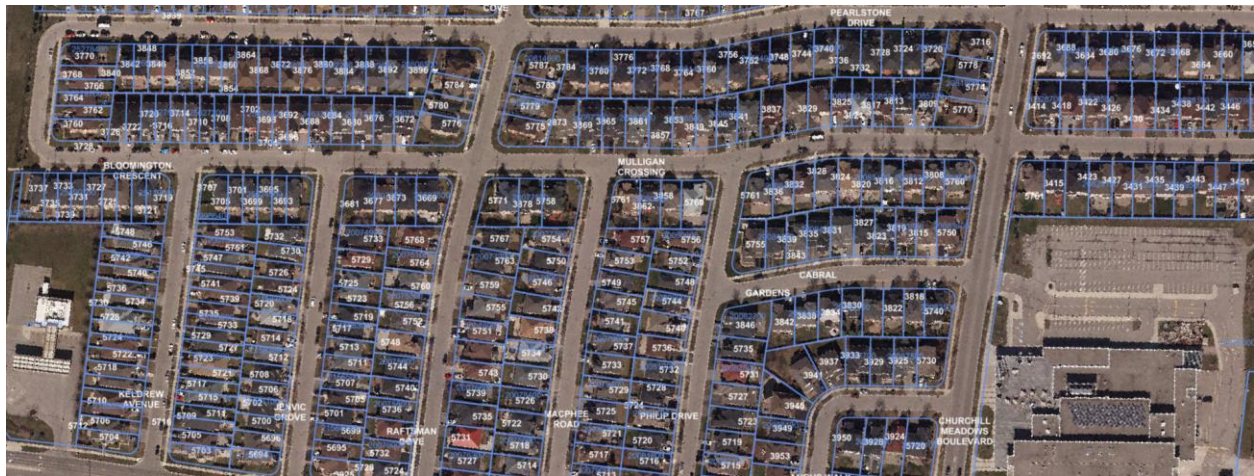
**Zoning:** R7 - Residential

**Other Applications:** BP 9ALT 21-6800

## Site and Area Context

The subject property is located north-west of the Churchill Meadows Boulevard and Thomas Street intersection in the Churchill Meadows neighbourhood. It contains a detached dwelling with an attached garage and has a lot area of +/- 329.52m<sup>2</sup> (3,546.92ft<sup>2</sup>). Landscape/vegetation elements are present in both the front and rear yards. The surrounding context consists exclusively of detached dwellings on similarly sized lots.

The applicant is proposing an addition requiring variances relating to 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 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. Staff are satisfied that the proposed addition

maintains the planned character of the area and is appropriately located on the site given the surrounding context. The application therefore, in the opinion of staff, maintains 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 the rear yard setback. The property is zoned R7, which in this instance allows for a rear yard of 6 metres for 50% of the rear wall and requires 7 metres for the remainder of the rear wall. The intent of rear yard provisions in the by-law are to ensure that an appropriate buffer between structures on abutting properties is provided as well as to maintain an appropriate rear yard amenity area. Staff are satisfied that the buffer between structures remains appropriate and that the rear yard amenity area is maintained on the subject property. The application, as proposed, 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 rear yard proposal represents appropriate development of the subject property and that the application is minor in nature. An appropriate rear yard amenity area is maintained and the majority of the additional floor area being added to the dwelling complies with the zoning by-law. Staff are satisfied that the addition, as proposed, creates no additional impacts when compared to an addition that would fully comply with the Zoning By-law.

Notwithstanding the above comments on the requested variance, a site visit to the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway appears to be larger than is permitted under the Zoning By-law. Staff have concerns with the existing width of the driveway and its impact on the streetscape, however are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate Site Plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the addition which is currently under construction. Grading Plan C-38198 (approved under the Brittany Glen Subdivision, 43M-1461 prepared by Rand Engineering) depicts half the drainage from the rear yard being directed to the catch basin on the abutting lot #83 to the south, and the other half of the drainage designed to be directed towards the front of the dwelling via the side yard.

From our site inspection and enclosed photos it is evident that the side yard area is currently under construction and will have to be regraded. In this regard we strongly advise the applicant that any works/regrading is to conform to the original drainage pattern which allows a significant portion of the drainage from the rear yard to be directed towards the front.







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 21-6800. Based on review of the information currently available for this building permit, 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 05/18/2021 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