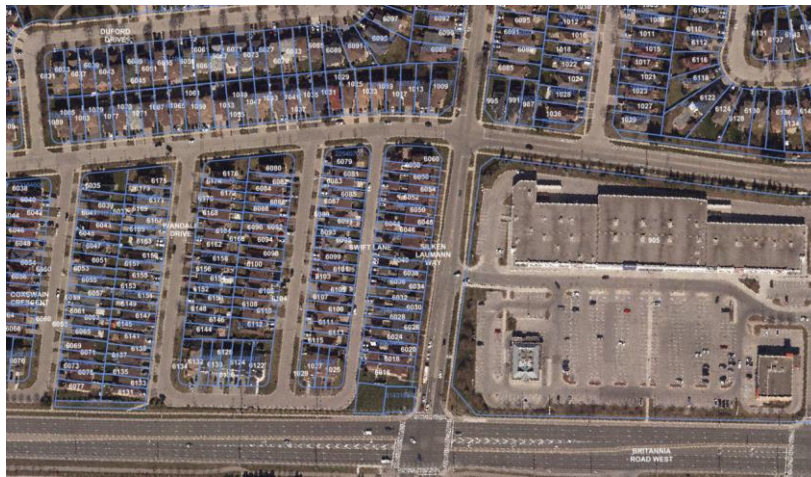


City of Mississauga Department Comments



File(s): A425.21
Ward 11

Meeting date:2021-12-09
1:00:00 PM

Date Finalized: 2021-12-01

To: Committee of Adjustment

From: Committee of Adjustment Coordinator

Consolidated Recommendation

The City has no objections to variance 1, however recommends that variance 2 be refused.

Application Details

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

1. An interior side yard setback of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this case; and
2. A setback of 3.48m (approx. 11.42ft) from the detached garage to the townhouse whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) from a detached garage to a townhouse in this instance.

Background

Property Address: 6044 Silken Laumann Way

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

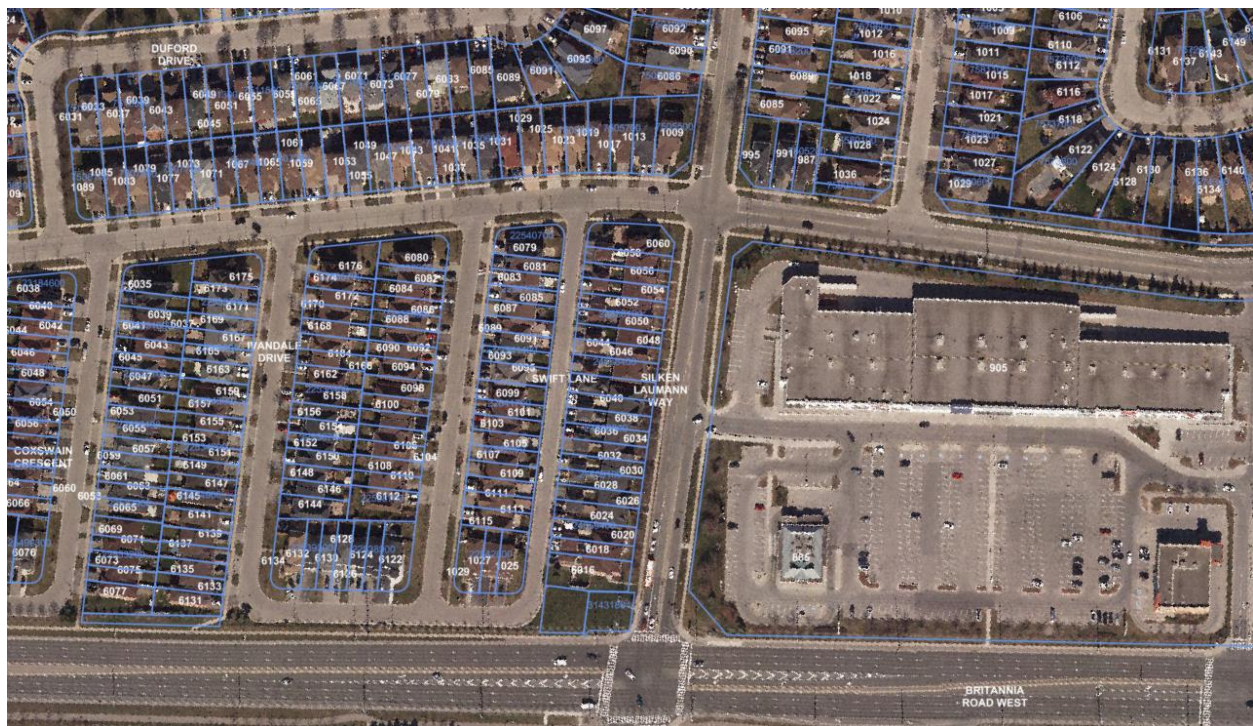
Zoning: RM5-14 - Residential

Other Applications: BP 9ALT 21-5183

Site and Area Context

The subject property is located on the west side of Silken Laumann Way, north of the Britannia Road West intersection in the East Credit neighbourhood. It contains a two storey townhouse dwelling with a detached garage which is accessed from Swift Lane to the rear. The property has a lot frontage of +/-8.37m (27.46ft) and a lot area of +/-319.11m² (3,434.87ft²), which is characteristic of surrounding townhouse dwellings. The surrounding area context includes a mixture of detached and townhouse dwellings, as well as a commercial plaza across the street.

The applicant is requesting to legalize an existing addition and staircase in the rear yard requiring variances for setbacks.



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 East Credit Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings. 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. While staff have no concerns regarding the staircase from an Official Plan standpoint, the addition projects into the limited rear yard amenity area which is not characteristic of the area. Staff are of the opinion that variance 2 is not compatible with existing site conditions or the surrounding context and therefore does not maintain the general intent and purpose of the Official Plan.

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

Variance 1 requests a reduced side yard measured to the below grade stairwell. The intent of the side yard regulations in the By-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring appropriate access to the rear yard and appropriate drainage is preserved. The proposal creates no massing impacts or separation issues between structures and is located on the attached side of the townhouse. The other side of the townhouse is unattached and maintains appropriate access to the rear. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the staircase. Staff are therefore satisfied that variance 1 maintains the general intent and purpose of the By-law.

Variance 2 requests a reduced setback between the detached garage and the townhouse. The intent of this regulation is to ensure that there is an appropriate amenity area within the rear yard. Staff are of the opinion that the setback to the addition does not provide for an appropriate rear yard amenity area as envisioned by the regulation. The resulting amenity area is narrow and 'L' shaped around the detached garage on the property. Staff are therefore of the opinion that variance 2 does not 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?

Staff are of the opinion that variance 1 is minor in nature, will not negatively impact the subject or abutting properties, and represents appropriate development of the subject property. Variance 2, however, significantly reduces the rear yard amenity area and cannot be considered minor in nature. The addition does not represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the existing addition and basement entrance. Although there were no evident drainage related concerns from our site inspection, we would recommend that a safety railing be installed for the basement entrance.





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 21-5183. 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: Alana Zheng, Zoning Examiner