

City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A378.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1, 3, 4 & 5, however recommends that variance 2 be refused. 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 of an addition proposing:

1. A setback measured from a shed to a lot line of 0.32m (approx. 1.05ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a shed to a lot line of 0.61m (approx. 2.00ft) in this instance;
2. A setback measured from a garbage enclosure to a lot line of 0m whereas By-law 0225-2007, as amended, requires a minimum setback measured from a garbage enclosure to a lot line of 0.61m (approx. 2.00ft) in this instance;
3. A rear yard measured to an eave overhang of 3.72m (approx. 12.20ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to an eave overhang of 7.50m (approx. 24.60ft) in this instance;
4. A rear yard measured to a rear addition of 4.50m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measure to a rear addition of 7.50m (approx. 24.60ft) in this instance; and
5. A setback measured from the driveway to a lot line of 0.29m (approx. 0.95ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from the driveway to a lot line of 0.60m (approx. 1.96ft) in this instance.

Background

Property Address: 1169 Barnswallow Court

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

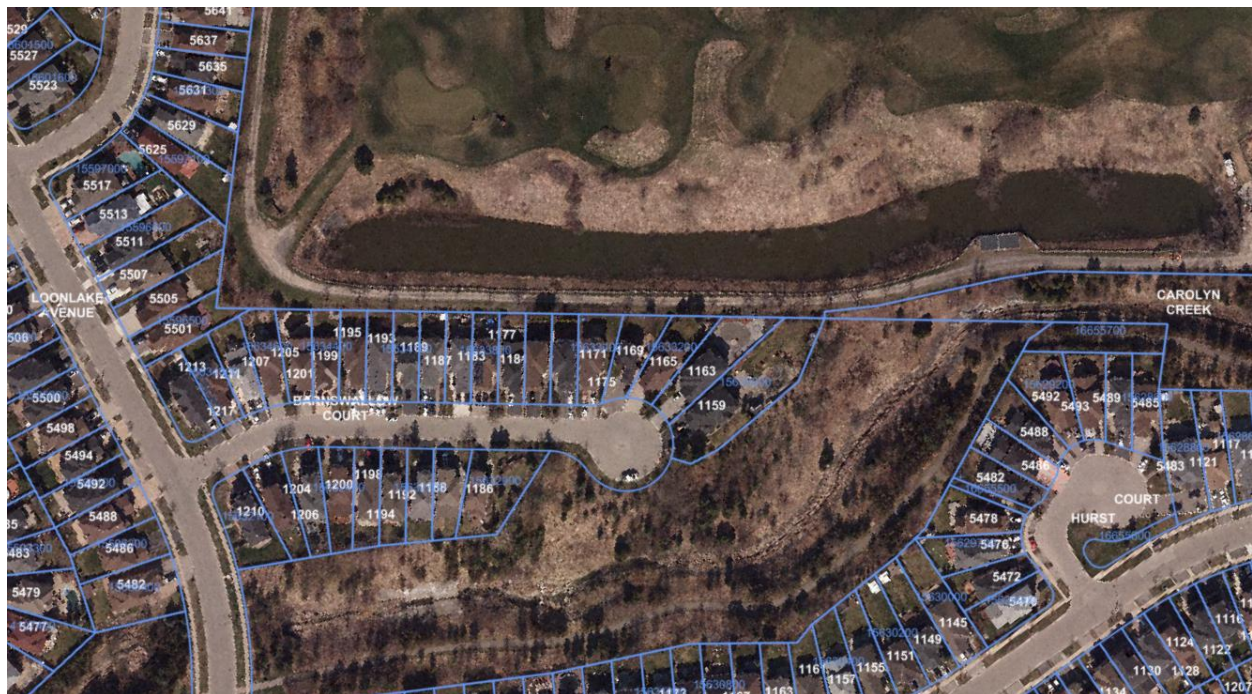
Zoning: R5 - Residential

Other Applications: PREAPP 21-6250

Site and Area Context

The subject property is located north-east of the Bristol Road West and Loonlake Avenue intersection in the East Credit Neighbourhood. It contains a two storey detached dwelling with an attached single car garage and backs onto the Braeburn Golf Course. The lot has a lot frontage of +/-9.26m (30.38 ft.) and an area of +/-404.65m² (4,355.76 sq.ft.). There is very little vegetation on the subject property, in contrast to surrounding lots with mature vegetation in the front yard.

The applicant is proposing to construct an addition at the rear of the dwelling, modify the existing driveway and legalize accessory structures requiring variances for driveway width, soft landscaping, and 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 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 street 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. While staff are satisfied that variances 1, 3, 4 & 5 are compatible with existing site conditions and the surrounding context, staff are of the opinion that variance 2 is not appropriate.

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

Variances 1 and 2 request reduced side yards to accessory structures. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. While staff are satisfied that variance 1 maintains an appropriate buffer, staff are unable to support variance 2. A 0 metre setback raises concerns over maintenance as well as potential water runoff onto the abutting property.

Variances 3 and 4 request a reduced rear yard measured to the proposed addition. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. In this instance there are no dwellings to the rear as the property backs onto the golf course and the proposed addition remains approximately in line with the rear of the adjacent dwelling. Furthermore an appropriate rear yard amenity area is maintained and the proposed setback is only measured to a single pinch point at the corner of the addition.

Variance 5 requests a reduced setback to the driveway from the side lot line. Staff note that this reduced setback is measured to a pinch point at the very front of the property due to the driveway and side lot line not being parallel. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate

any potential drainage concerns. Staff are satisfied that an appropriate visual buffer is maintained, and Transportation and Works has raised no concerns regarding drainage.

Given the above, staff are of the opinion that variances 1, 3, 4 & 5 maintain the general intent and purpose of the Zoning By-law, whereas variance 2 does not.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that variances 1, 3, 4 & 5 are minor in nature and represent appropriate development of the subject property. Impacts to abutting properties are minor and the proposal is appropriate in the surrounding area context. Variance 2, however, cannot be considered minor in nature due to the significant relief being requested and potential impacts on the abutting property. Staff are of the opinion that variance 2 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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed one storey addition at the rear will be addressed through the Building Permit Process.

For variances #1 and 2 we are uncertain if there are any drainage related concerns for the abutting property. From our site inspection it appears that this property contains a split drainage pattern where the high point is approximately in the middle of the dwelling and drainage from this point should be directed to the front and rear yards. There is a walkway which does accommodate some of the drainage from the area and directs it to the front, however we are unsure if any drainage from the roof of the structures is impacting onto the abutting property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-6250. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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