

# City of Mississauga Department Comments

Date Finalized: 2021-12-22	File(s): A546.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

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

1. An interior side yard setback (easterly) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and
2. An interior side yard setback (westerly) of 1.42m (approx. 4.66ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance.

## Background

**Property Address:** 1569 Sherway Drive

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

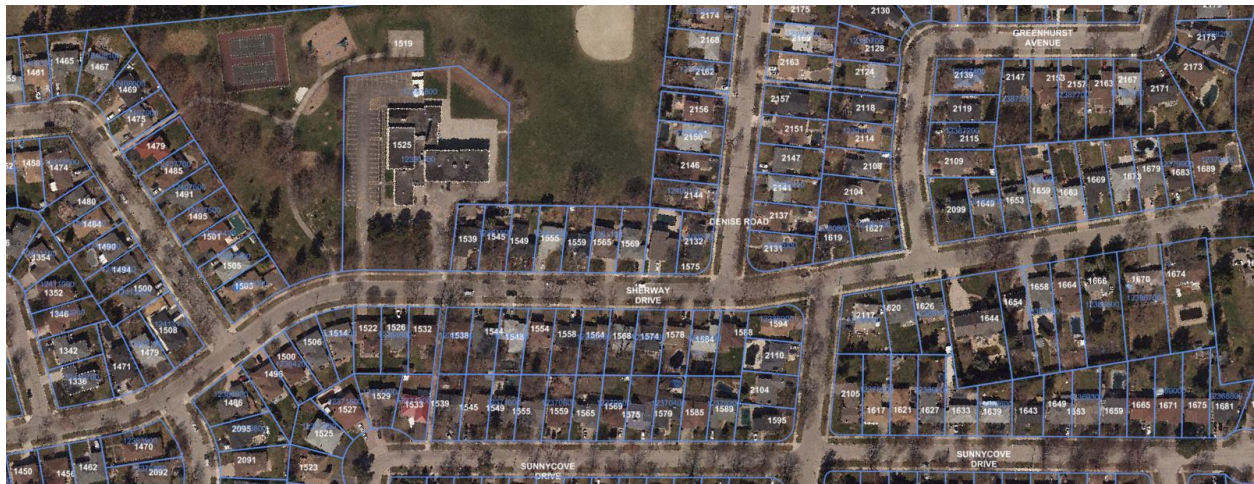
**Zoning:** R3-75 - Residential

**Other Applications:** Building Permit - BP 9ALT 21-9966

### Site and Area Context

The subject property is located south-west of Denise Road within the Lakeview Neighbourhood Character Area. The subject property contains an existing one and a half storey detached dwelling with mature vegetation in the front yard. The surrounding context is primarily residential, with one and two storey-detached dwellings, as well as institutional and open space uses to the south-west of the subject property. The surrounding properties contain mature vegetation and landscaping in both the front and rear yards.

The applicant is proposing a second storey addition 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 within the Lakeview Neighbourhood Area and is designated Residential Low Density I. This designation permits detached, semi-detached, as well as duplexes. Section 9 of MOP promotes development (including its features such as driveways and landscaping) 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 setback reductions are compatible with the existing and planned character of the area. Staff are of the opinion that the general intent and purpose of the Official Plan is maintained in this instance.

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

Variances 1 and 2 request a reduced interior side yard setback from the second storey addition along the easterly and westerly lot lines, respectively. The intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff note that while the location of the variances about residential dwellings, the reduction would result in minimal impacts on adjoining properties, while permitting adequate access to the rear yard.

Given the above, staff are satisfied that the application 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 any impacts resulting from the minor variances will be minor in nature. The proposed variances respect the surrounding land uses and built forms and represents appropriate development of the subject lands.

Comments Prepared by: Connor DiPietro, 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 will be addressed through the future Building Permit Application process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Laughton Heights Park (P-047).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner