

# City of Mississauga Department Comments

Date Finalized: 2021-12-22	File(s): A577.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 3:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred. 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. A lot coverage of 39.0% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. A front yard setback of 6.7m (approx. 22.0ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.6ft) in this instance;
3. A side yard setback of 0.52m (approx. 1.71ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and
4. A side yard setback of 0.58m (approx. 1.90ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, Staff would note variances #3 and 4 should be amended as follows:

3. A side yard setback of 0.52m (approx. 1.71ft) to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to the first storey in this instance; and
4. A side yard setback of 0.59m (approx. 1.94ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second storey in this instance.

## Background

**Property Address:** 2086 Proverbs Drive

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-east of Sherway Drive within the Lakeview neighbourhood Character Area. The subject property contains an existing detached dwelling with mature vegetation and landscaping in the front yard. The surrounding context is primarily residential, consisting of one and two storey detached dwellings, as well as institutional and open space uses to the north-west of the subject lands. 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 lot coverage 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 are as follows:

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.

Variances #3 and 4 request reduced interior side yard setbacks from the proposed addition to the southerly lot line. 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 the proposed reduced setbacks do not ensure an adequate buffer is provided between the addition and the dwelling located on the abutting property to the south. Due to the proximity of the dwelling, the proposed second storey addition may also cause significant massing and privacy issues. Staff also note that two storey dwellings in the immediate area generally have much larger side yard setbacks. The applicant has also only submitted a site plan in support of this application, therefore planning staff cannot accurately evaluate the variances proposed. Without elevation drawings, planning staff are unable to determine the extent in which the application meets the criteria established by Section 45 of the *Planning Act*. The remaining variances are of no concern to staff.

As such, staff recommend that the proposal be redesigned to address concerns raised above. Furthermore, in the absence of additional supportive documentation illustrating the scope of work, planning staff are of the opinion that any variance in this regard is premature until such time that the requested information is provided. As such, planning staff recommend that the application be deferred.

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