

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A36.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 3:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

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

1. A front yard setback of 6.89m (approx. 22.60ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback of 5.70m (approx. 18.70ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) to a porch in this instance;
3. An encroachment of eaves of 0.93m (approx. 3.05ft) on the west side whereas By-law 0225-2007, as amended, permits a maximum encroachment of eaves of 0.45m (approx. 1.48ft) in this instance; and,
4. A side yard setback (westerly) of 1.18m (approx. 3.87ft) 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.

Amendments

Variance 5 is not required.

Background

Property Address: 264 Hillside Drive

Mississauga Official Plan

Character Area: Streetsville Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: PREAPP 21-7908

Site and Area Context

The subject property is located south-west of the Thomas Street and Joymar Drive intersection in the Streetsville neighbourhood. It currently contains a single storey detached dwelling and has a lot frontage of +/- 17.91m (58.8ft) and a lot area of +/- 981.55m² (10,565ft²). There are limited landscaping and vegetation elements in both the front and rear yards. The surrounding area context is exclusively residential, consisting of a mix of single and two storey detached dwellings on lots of varying sizes.

The applicant is proposing to construct additions on the subject property requiring variances for front and side yard setbacks and an eave encroachment.



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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. 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. The proposed additions maintain the permitted detached dwelling use of the property and, in the opinion of staff, are compatible with the surrounding context and existing site conditions. Staff are therefore satisfied that the general intent and purpose of the Official Plan is maintained.

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

Variances 1 and 2 request reductions in the front yard setback, to the dwelling and porch respectively. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The proposed additions at the front are generally in line with abutting properties and, in the opinion of staff, maintain an appropriate front yard space.

Variance 3 requests an increase in permitted eave encroachment into a required yard. The intent of this portion of the by-law is to ensure that the eaves are sufficiently setback from all property lines. Staff note that the eaves on the property are not excessive and at their closest point are set back 0.88m (2.9ft) from the property line, which is an appropriate setback.

Variance 4 requests a reduced side yard setback. The general 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. While the applicant is proposing a reduced setback for a second storey, staff note that the addition is being constructed on top of the existing first storey wall. Staff are satisfied that the additional massing of the second floor is appropriate at the existing setback. Furthermore, access to the rear yard will remain unencumbered on both sides of the dwelling.

Given the above staff are of the opinion 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 of the opinion that the variances, both cumulatively and individually, are minor in nature. The proposed additions balance and maintain the planned and existing character of the area and are consistent with the Official Plan. Staff are therefore satisfied that the proposal represents 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 addition will be addressed through the Building Permit Application Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-7908. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Furthermore, we advise that variance 5 is not 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: Sherri Takaloo, Zoning Examiner