

# City of Mississauga Department Comments

Date Finalized: 2022-02-02	File(s): A55.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-10 1:00:00 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. Two walkway attachments on one side of the driveway whereas By-law 0225-2007, as amended, only permits one walkway attachment on each side of a driveway in this instance;
2. An air conditioning unit to be located in the front yard whereas By-law 0225-2007, as amended, does not permit an air condition unit to be located in a front yard in this instance;
3. A lot coverage of 38.73% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. To permit storage within the garage whereas By-law 0225-2007, as amended, does not permit a storage use within a garage in this instance;
5. An exterior side yard setback of 3.81m (approx. 12.50ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
6. An eaves encroachment of 2.64m (approx. 8.66ft) into the required exterior side yard whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) into a required exterior side yard in this instance;
7. An eaves encroachment of 0.77m (approx. 2.53ft) into the required front yard whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) into a required front yard in this instance;
8. An accessory structure area of 32.04sq.m (approx. 344.88sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and,
9. A window well encroachment of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 420 Chantenay Drive

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3 - Residential

**Other Applications:** PREAPP 21-7500

### Site and Area Context

The subject property is located on the south-west corner of the Chantenay Drive and Munden Road intersection in the Cooksville neighbourhood. It currently contains a single storey detached dwelling with an attached garage and limited landscaping elements with some mature vegetation. The property has a lot area of +/- 790.07m<sup>2</sup> (8,504ft<sup>2</sup>), which is characteristic of the area. The surrounding area context is exclusively residential, consisting of detached homes in the immediate vicinity and townhouses in the larger context.

The applicant is proposing additions to the subject property requiring variances for walkways, air conditioner location, lot coverage, garage storage, setbacks, encroachments, and an accessory structure.

## 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 Cooksville 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 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. The proposed development maintains the residential use of the dwelling and character of the surrounding area. Staff are 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?**

Variance 1 requests two walkways on the same side of the driveway. The intent of this regulation is to limit excessive hard surfaces within the yard and prevent the parking of vehicles on walkways placed side by side. Staff are satisfied that the proposed walkways are appropriate given the configuration of the property, and that they are sufficiently separated to provide appropriate soft landscaping in the yard.

Variance 2 requests an air conditioning unit in the front yard. While the front of the dwelling and driveway face Chantenay Drive, the legal frontage of the property is considered to be Munden Road. Given the orientation of the house the legal front yard presents itself as an exterior side yard, where an air conditioning unit would be permitted. Staff are therefore satisfied that the variance is technical in nature.

Variance 3 requests an increased lot coverage. The intent behind regulating lot coverage is to prevent the overdevelopment of the property. Staff note that the proposed footprint of the dwelling itself complies with the maximum lot coverage, however the additional eave overhang results in a lot coverage overage. Staff are satisfied that the request does not represent overdevelopment of the lot and that the proposed overhangs do not present the same massing concerns compared to if the walls of the dwelling represented the entire requested coverage.

Variance 4 requests storage within the garage. The Zoning By-law defines a garage as a building, structure, or part thereof used for the parking of motor vehicles. Staff find this variance to be technical in nature and note that the storage area within the garage is not perceivable from the exterior of the dwelling. Furthermore it does not obstruct required parking for the dwelling and no variance for garage area is requested.

Variance 5 requests a reduced exterior side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff note that the variance represents an existing condition and that most of the proposed dwelling maintains the required 6.0m (19.7ft) setback. Staff have no concerns regarding the additional massing at the reduced setback's impact on the public realm.

Variances 6, 7 & 9 request increased encroachments for eaves and window wells. The intent of this portion of the By-law is to ensure an appropriate buffer between these elements and lot lines. Staff note that these variances are partially caused due to the reduced setbacks and are satisfied that the eaves and all window wells on the subject property are appropriately setback from the lot lines.

Variance 8 requests an increased accessory structure area. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory, while not presenting any massing concerns to neighbouring lots. The proposed structure does not require any height or setback variances and represents less than 5% of the total lot area. Staff are satisfied that the impacts of the massing of the structure are minimal and that the structure is proportional to the lot.

Given the above, Planning staff are of the opinion that the requested variances 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?**

Planning staff are of the opinion that the requested variances, both cumulatively and individually, are minor in nature and will not create undue impacts to the streetscape or abutting properties. Staff are 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 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 21-7500. Based on review of the information currently available, the variances as requested are correct.

Our comments are based on the plans received by Zoning staff on 09/07/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner