

City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A73.22 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

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 40.35% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance; and,
2. An interior side yard setback of 0.81m (approx. 2.66ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

The following variance should be added as follows:

3. A proposed encroachment for a porch, located in the front yard, of 0.31m into the required interior side yard; whereas By-law 0225-2007, as amended, does not permit a porch, located in the front yard, to encroach into the required interior side yard, in this instance.

Background

Property Address: 4298 Greybrook Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: RM1 - Residential****Other Applications:** BP 9ALT 21-6750**Site and Area Context**

The subject property is located south-east of the Eastgate Parkway and Tomken Road intersection and currently houses a two-storey detached dwelling with limited vegetation and landscape elements in the front yard. It is an interior parcel with a lot area of approximately +/- 338.02m² (3,638.43ft²). Contextually, the surrounding neighbourhood consists exclusively of detached and semi-detached dwellings. The properties within the immediate area possess lot frontages of +/- 9.05m (29.69ft) with limited vegetative / natural landscaped elements in the front yards.

The applicant is proposing the construction of an addition requiring variances for lot coverage, interior side yard setback, and a porch 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. 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 addition and front porch are compatible with the surrounding area and do not directly affect the adjoining properties. Staff is of the opinion that the general intent and purpose of the Official Plan are maintained.

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

Variance #1 as requested pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit the impacts of the building's massing. Staff are of the opinion that this increase is minimal and remains consistent with the built form of the area. Furthermore the dwelling itself complies with the lot coverage provisions,

however when porches are added (which do not pose the same massing impact as the structure) the coverage exceeds the permissions of the By-law. Staff are satisfied that the proposal does not represent overdevelopment of the lot and does not pose significant massing impacts.

Variance #2 as requested pertains to the interior side yard. 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. The applicant proposes a side yard measured to a covered porch of 0.81m, whereas the by-law requires a minimum side yard of 1.20m. Staff have no concerns with the proposed side yard measured to the covered porch, as full access to the rear yard is maintained from the north side of the dwelling. Furthermore, the proposed side yard is measured to a pinch point due to the angled property line and is not required for the entirety of the dwelling's length.

Variance #3 as requested pertains to a front porch encroachment into a side yard. The intent of the encroachment provisions in the By-law is to ensure appropriate buffers between elements of the structure and the lot lines. This request is necessary due to the reduced side yard and angled property line, and staff are satisfied that an appropriate buffer is maintained in this instance.

Given the above, Planning staff are of the opinion that the 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?

Based on the provided drawings, the variances pose negligible impacts to the neighbouring properties and streetscape. Planning Staff are of the opinion that that the variances related to are minor in nature and represents the orderly development of the lands.

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. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-6750. Based on review of the information currently available for this building permit, we advise that the following variance should be added as follows:

3. A proposed encroachment for a porch, located in the front yard, of 0.31m into the required interior side yard; whereas By-law 0225-2007, as amended, does not permit a porch, located in the front yard, to encroach into the required interior side yard, in this instance.

Our comments are based on the plans received by Zoning staff on 11/13/2021 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