

# City of Mississauga Department Comments

Date Finalized: 2022-03-23	File(s): A145.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-07 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the minor variance application. The applicant may wish to defer the application to verify the requested variances and ensure they 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 exterior side yard setback of 3.94m (approx. 12.93ft) 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;
2. An eaves encroachment of 0.457m (approx. 1.499ft) into the insufficient exterior side yard setback whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.450m (approx. 1.476ft) in this instance;
3. An existing exterior side yard setback of 0.21m (approx. 0.69ft) to the shed whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance; and,
4. A setback of 0.0m from the driveway to the property line whereas By-law 0225-2007, as amended, requires a minimum setback of 0.6m (approx. 2.0ft) from a property line to a driveway in this instance.

## Background

**Property Address:** 982 Atwater Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

## Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** Building Permit – BP 9ALT 21-5683

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, west of Atwater Avenue and Ogden Avenue. The immediate neighbourhood is primarily residential, with a mix of one and two-storey detached dwellings and limited vegetation in the front yards. Immediately north of the subject lands is the Toronto French School (West Campus). The subject property contains an existing one-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a one-storey addition requiring variances related to 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 Lakeview 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, 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 proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied 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?**

Variances #1 and 3 pertain to exterior side yard setbacks. Variance #1 is measured to the existing dwelling, while Variance #3 is measured to an existing shed. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. Staff is not concerned with these variances, as the side yards proposed provided an adequate buffer between the massing of the proposed dwelling, shed and the public realm. Furthermore, the exterior setbacks proposed relate to existing conditions of both the dwelling and accessory shed. Therefore, the impacts of these variances are negligible. The exterior side yard of the dwelling is generally consistent with exterior side yards found in the immediate area. Further, the municipal boulevard is wide, providing additional buffering between the public realm, the shed and the dwelling. The setback to the accessory shed does not maintain a 0.21m (0.69ft) setback along the face abutting the lot line, it actually increases to 0.31m (1.02ft). Staff are of the opinion that there is adequate space to perform required maintenance and upkeep to this structure, when required. Staff additionally note that the existing shed meets the balance of the zoning provisions.

Variance #2 proposes an eaves encroachment of 0.46m (1.5ft) where the by-law permits a maximum eaves encroachment of 0.45m (approx. 1.48ft). The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. While this request is greater than the current provisions allow, staff conclude that the variance is a minor deviation from the zoning by-law's maximum. As such, staff has no concerns with this variance.

Variance # 4 requests an interior side yard setback 0.0m from the driveway to the property line where a minimum setback of 0.6m (2.0ft) from a property line to a driveway is required. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. Staff note that the driveway represents an existing condition on the subject lands, and that the proposed variance is only required for a small portion of the driveway towards the rear of the subject property. The setback from the driveway to the lot line increases as the driveway moves towards the street. Transportation and Works staff have noted in their comments that they will address any potential drainage issues through the building permit process. As such, staff has no concerns with this variance.

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?**

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature, represent existing conditions for the lands, and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 by our Development Construction Section through Building Permit BP 9ALT-21/5683.



Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit under file BP 9ALT 21-5683. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be 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