

# City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A92.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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. An interior side yard setback of 1.26m (approx. 4.13 ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. An interior side yard setback of 1.05m (approx. 3.44ft) to the eaves overhang of the second storey whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.36m (approx. 4.46ft) in this instance;
3. An interior side yard setback of 0.34m (approx. 1.12 ft) to the main floor eaves overhang whereas By-law 02255-2007, as amended, requires a minimum interior side yard setback of 1.36m (approx. 4.46ft) in this instance;
4. A landscaped soft area of 31.3% (approx. 27.5m<sup>2</sup> or 296.0 sq ft) of the front yard whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.0% of the front yard (approx. 35.15m<sup>2</sup> or 378.4 sq ft) in this instance;
5. A lot coverage of 48.43% (approx. 217.67m<sup>2</sup> or 2,343 sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (approx. 157.15m<sup>2</sup> or 1,691.6 sq.ft) in this instance;
6. An interior side yard setback of 0.0m to the rear deck whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.0 ft) in this instance;
7. A front yard setback of 6.04m (approx. 19.82 ft) to the garage whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.6 ft) in this instance;
8. A front yard setback of 5.83m (approx. 19.13 ft) to the garage eaves overhang whereas

By-law 0225-2007, as amended, requires a minimum front yard setback of 7.05m (23.13 ft) in this instance;

9. A side yard setback of 0.64m (approx. 2.10 ft) to the garage eaves overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.75m (approx. 2.46 ft) in this instance;

10. A side yard setback of 0.85m (approx. 2.79 ft) to the garage whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.94 ft) in this instance.

11. A front yard setback of 5.21m (approx. 17.1 ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.6 ft) in this instance;

12. A front yard setback of 5m (approx. 16.4 ft.) to the second storey eaves overhang whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.05m (23.1 ft) in this instance;

13. A front yard setback of 3.38m (approx. 11.1 ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.9m (approx. 19.36 ft) in this instance;

14. A front yard setback of 3.17m (approx. 10.4 ft) to the porch eaves overhang whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.45m (approx. 17.88 ft) in this instance.

## Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law, staff would note variance #6 should be amended as follows:

6. An interior side yard setback of 0.46m to the rear deck whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.0 ft) in this instance;

## Background

**Property Address:** 872 Aviation Road

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:**



Staff identified concerns with the applicant's drawings and Variance #6, in an email dated Wednesday April, 20<sup>th</sup>, 2022, to the applicant. On Thursday April 21<sup>st</sup>, 2022, the applicant revised Variance #6 and provided staff with updated drawings.

Variances #1-3, 6, 9 and 10 pertain to interior side yard setbacks. Variances #1, 2, 9 and 10 are both minor and do not impede access to the rear yard, as access is provided on the alternate side of the dwelling. Staff note that most of these variances are required as a result of the existing dwelling's positioning on the lot. Furthermore, Variance #6 is a minor deviation from the minimum standard and provides an adequate buffer to the adjacent property to the north.

Variances #4 pertains to landscaped soft area. While the proposed landscaped soft area of 31.3% appears inadequate, staff note that the existing soft landscaped area is 30.61%. The soft landscape variance is only required to accommodate a porch and is a negligible increase from the existing condition.

Variance #5 pertains to lot coverage. A lot coverage of 48.43% is proposed, where a maximum lot coverage of 35% is permitted. Staff note that the dwelling's footprint (including garage) covers 35% of the lot. The remaining lot coverage is attributable to porches, a back yard deck, shed and eave overhangs. These features do not significantly add to the dwelling's massing.

Variance #7, 8 and 11-14 pertain to front yard setbacks. Staff note that variances #13 and 14 are to an existing wood porch; therefore, the impact of these variances is negligible. The remaining front yard setbacks are generally consistent with front yards found in the immediate area.

It is staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 Site Plan approval process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-9555. 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: Brandon Eidner, Zoning Examiner