

City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A263.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 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 a rear deck/balcony proposing:

1. A lot coverage of 47.39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance; and,
2. A rear yard setback of 5.53m (approx. 18.14ft) to the deck/balcony whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.50m (approx. 21.33ft) in this instance.

Background

Property Address: 5561 McFarren Blvd

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

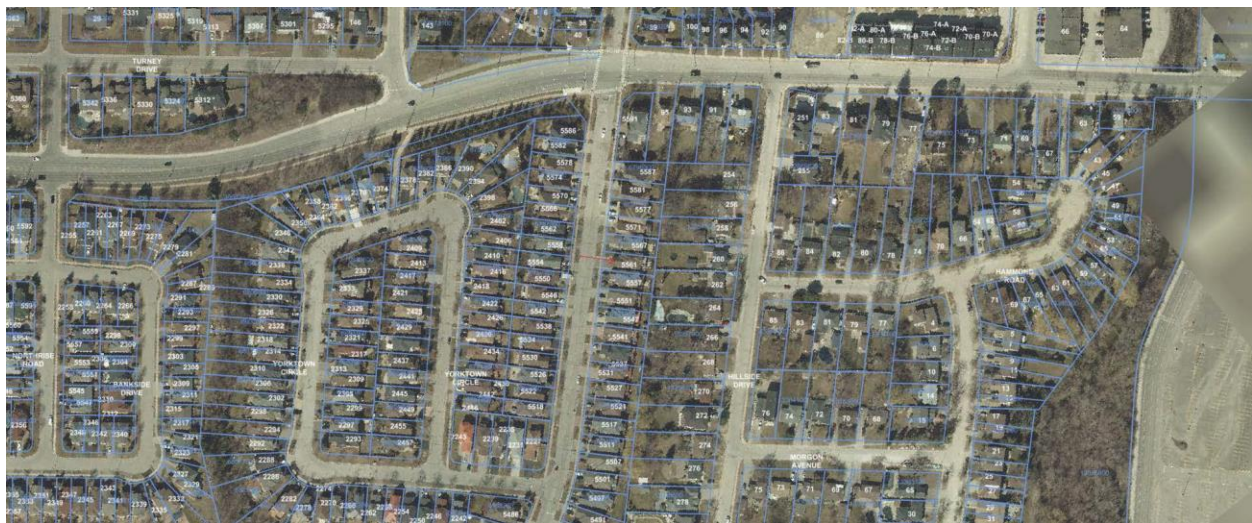
Zoning: R4-14 - Residential

Other Applications: BP 9ALT 21-9288

Site and Area Context

The subject property is located on the east side of McFarren Boulevard, south of the Thomas Street intersection. It currently contains a detached dwelling with an attached garage. The property has a lot area of +/- 427m² (4,596ft²), which is characteristic of lots along McFarren Boulevard. Limited vegetative and landscaping elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of both detached and semi-detached dwellings.

The applicant is proposing a rear deck/balcony requiring variances for lot coverage and rear yard setback.



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 Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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 deck is appropriately sized for

the subject property and is approximately in line with other decks along McFarren Boulevard. Staff are satisfied that the request maintains the general intent and purpose of the official plan.

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

Variance 1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit massing impacts on abutting properties. Planning staff are of the opinion that the proposed deck is appropriately located and sized for the subject property, and note that the existing dwelling appears to account for nearly the entirety of the permitted lot coverage. The proposal aims to improve the rear yard amenity area without impacting the established streetscape. It is staff's opinion that the addition of the deck does not represent an overdevelopment of the lot.

Variance 2 requests a reduced rear yard setback. The intent of rear yard provisions are to ensure that an appropriate buffer between the massing of structures on abutting properties is provided and to maintain an appropriate rear yard amenity area. The proposed deck is not covered and does not create significant massing concerns for abutting properties. Furthermore the reduced setback is only measured to a portion of the deck, while the rest of the deck complies with the by-law. Staff are satisfied that the proposed deck maintains an appropriate setback for a grade level rear yard amenity area and serves as additional rear yard amenity space.

Given the above Planning staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that any negative impacts to abutting properties will be minor in nature. Furthermore the proposal represents appropriate development of the subject property and improves the rear yard amenity area.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of the property we note that we do not have any drainage related concerns with the rear deck/balcony.





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 21-9288. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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