

City Department and Agency Comments	File:A287.22	2022/06/15	1
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Date Finalized: 2022-06-15	File(s): A287.22 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A side yard setback (southerly) to the front corner of the second storey eaves of 1.12m (approx. 3.67.0ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.36m (approx. 4.46) to the second floor eaves in this instance;
2. A side yard setback (southerly) to the front corner of the second storey dwelling of 1.52m (approx. 4.98ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second floor dwelling in this instance;
3. A side yard setback (southerly) to the back corner of the second storey eaves of 1.22m (approx. 4.0ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.36m (approx. 4.46) to the second floor eaves in this instance;
4. A side yard setback (southerly) to the back corner of the second storey dwelling of 1.68m (approx. 5.51ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second storey in this instance;
5. A side yard setback (northerly) to the main floor dwelling of 1.13m (approx. 3.71ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to the main floor dwelling in this instance;
6. A side yard setback (northerly) to the back corner of the main floor dwelling of 1.07m (approx. 3.51ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to the main floor dwelling in this instance;
7. A side yard setback (northerly) to the of the second storey dwelling (front corner) of 1.13m (approx. 3.87ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) to the second storey dwelling in this instance;
8. A side yard setback (northerly) to the second storey of the dwelling (back corner) of 1.04m (approx. 3.41ft); whereas By-law 0225-2007, as amended, requires a minimum side yard

setback of 1.81m (approx. 5.94ft) to the second storey in this

9. A side yard setback (northerly) to the second storey eaves (front corner) of 0.67m (approx. 2.20ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.36m (approx. 4.46ft) to the second storey eaves in this instance; and,

10. A side yard setback (northerly) to the second storey eaves (rear corner) of 0.58m (approx. 1.98ft); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.36m (approx. 4.46ft) to the second storey eaves in this instance.

Background

Property Address: 3210 Parkerhill Rd

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications:

Site and Area Context

The subject property is located north-west of the Confederation Parkway and Hillcrest Avenue intersection in the Cooksville neighbourhood. It currently contains a single storey detached dwelling and has a lot area of +/- 1,357.46m² (14,611.6ft²). While the property fronts onto Parkerhill Road, the rear property line abuts Rolling Stone Court. Limited vegetation and landscaping elements are present in both the front and rear yards. The surrounding area context is residential, consisting of detached dwellings on lots generally smaller than the subject property. Train tracks are located in close proximity to the north of the property.

The applicant is proposing additions and renovations to the subject property requiring variances for side yard setbacks.



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). 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 application maintains the permitted residential use envisioned by the official plan and is at a scale that is compatible with the surrounding context. Planning 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?

All of the proposed variances request a reduction in side yard setbacks to various elements of the proposed dwelling. 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, appropriate drainage can be provided, and that access to the rear yard ultimately remains unencumbered. Planning staff note that the Transportation and Works Department has raised

no concerns surrounding drainage at this time and that the proposed additions are generally in line with the existing side walls, thereby maintaining existing circulation around the dwelling. Furthermore the proposed eaves are appropriately sized given existing site conditions and maintain an appropriate setback.

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?

Planning staff are of the opinion that the proposed variances, both individually and cumulatively, will create only minor impacts to both the streetscape and abutting properties. Furthermore the proposal represents appropriate development of the subject property.

Notwithstanding the above comments on the requested variance, a review of the property has revealed that the existing rear yard accessory structure does not appear to meet the requirements under the zoning by-law. Staff are unable to comment if the shed meets the four tests of a minor variance without confirmation of the size and setbacks. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

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 Building Permit under file BP 9ALT 22-155. Based on review of the information currently available in this permit application, variances # 2, 5, 7 and 8, as requested are correct.

We also 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 submitted on 03/24/2022 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments: Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Comments Prepared by: Joseph Filice, Junior Planner

Appendix 4 – Metrolinx Comments

Metrolinx is in receipt of the minor variance application for 3210 Parkerhill Road to permit the construction of a second storey addition. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of CP Rail's Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The Proponent is advised that the development lands, 3210 Parkerhill Road, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Co-ordinator