

City of Mississauga Department Comments

Date Finalized: 2022-06-15	File(s): A86.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 1:00:00 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 an existing rear yard deck and front yard canopy with:

1. A front yard setback of 2.63m (approx. 8.63ft) to the stairs of the front porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 2.90m (approx. 9.51ft) in this instance;
2. A side yard setback of 0.61m (approx. 2.00ft) to the front porch whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.50m (approx. 4.92ft) in this instance;
3. A side yard setback of 0.48m (approx. 1.57ft) to the front porch eaves whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.05m (approx. 3.44ft) in this instance;
4. A driveway width of 6.44m (approx. 21.13ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance;
5. A side yard setback of 0.0m to the driveway whereas By-law 0225-2007, as amended, requires a minimum setback of 0.6m (approx. 2.0ft) to a driveway in this instance;
6. A side yard setback (northerly) of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.50m (approx. 4.92ft) in this instance;
7. A side yard setback (southerly) of 0.55m (approx. 1.80ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.50m (approx. 4.92ft) in this instance;
8. A side yard setback (northerly) of 0.0m to the rear hard landscaping surface whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance; and,
9. A side yard setback (southerly) of 0.0m to the rear hard landscaping surface whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the scope of work and variances 2, 3, 5, 6 & 7 should be amended as follows:

The applicant requests the Committee to approve a minor variance to **permit the existing front yard porch and existing rear yard balcony to remain** proposing:

2. A **northerly** side yard of 0.61m measured to the front porch; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.50m measured to a front porch in this instance.
3. A **northerly** side yard of 0.48m measured to the eaves of the front porch; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.05m measured to the eaves of a front porch in this instance.
5. A **southerly** side yard of 0.0m measured to the driveway; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.6m measured to a driveway in this instance;
6. A northerly side yard of 0.54m **measured to the rear balcony**; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.5m measured to a balcony in this instance;
7. A southerly side yard of 0.55m **measured to the rear balcony**; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.5m measured to a balcony in this instance;

Background

Property Address: 1459 Credit Woodlands Court

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-2 - Residential

Other Applications: BP 9ALT 21-7016

Site and Area Context

The subject property is located south-west of the Dundas Street West and Credit Woodlands Court intersection in the Erindale neighbourhood. Currently the lot contains a 3-storey detached dwelling with an attached garage. It has a lot area of 211.15m² (2,272.80ft²) and backs onto Dundas Street West. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is predominantly residential, consisting of detached and townhouse dwellings on lots of various sizes. A place of religious assembly is present on the north side of Dundas Street West, directly across from the subject property. There is a significant amount of greenspace in the vicinity as well.

The applicant is seeking to permit the existing rear balcony, front porch and driveway to remain thereby requiring variances for side and rear yard setbacks.

"[Enter air photo]"

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 Erindale Neighbourhood Character Area and is designated Residential Medium Density 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. Staff note that this block contains multiple instances of large second storey rear balconies and sizable covered front porches. Widened and attached driveways are also common along the streetscape. The applicant has revised the proposal to eliminate staff's concerns and staff are now satisfied that the application 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 proposes a reduction in the front yard measured to the front porch. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Planning staff are satisfied that the proposed reduction is minor and maintains the character of porches in the surrounding context.

Variances 2 and 3 propose a reduction in the side yard setbacks measured to the front porch and its eaves, and variances 6 and 7 propose a reduction in the side yard setbacks measured to the balcony. The general intent of side yard regulations in 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. Staff note that the rear balcony is not covered and that the porch is in line with abutting properties, and therefore impacts of massing are limited. Furthermore rear yard access remains unencumbered as the balcony and veranda are in line with the existing side walls of the dwelling. Rear balconies similar to the proposal are common in the surrounding area and will not create additional privacy issues over as of right conditions. Finally, Planning staff note that the Transportation & Works Department has reviewed the application and does not have any concerns regarding drainage surrounding these variances.

Variances 4 and 5 relate to the existing driveway on the subject property and request an increase in width and a decrease in setback from the southerly side lot line. The intent of driveway width regulations is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands being soft landscaping. The intent of driveway setback regulations is to ensure a visual separation between properties, and to allow for appropriate drainage patterns. Staff note that the southerly setback results in an attached driveway with the neighbouring property at 1461, and that attached driveways are characteristic of the area. Regarding the driveway width, staff note that potential driveway and walkway configurations are limited due to the existing conditions in the front yard, and that a driveway that conformed to the provisions of the by-law would result in a substantially similar amount of hard surface on the property.

Variances 9 and 10 relate to hardscaping in the rear yard. The intent of hardscaping setback regulations is to ensure that appropriate drainage patterns can be maintained. Staff note that the hardscaping does not extend the entire length of the rear yard and that Transportation and Works staff have raised no drainage concerns surrounding these variances.

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 the revised proposal will have only minor impacts to the streetscape and surrounding properties. Furthermore the proposed development is appropriate for the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our initial site inspection of this property we observed no drainage related concerns with the rear deck and front canopy.

With regards to variance's pertaining to the driveway width, we note that this area is to be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

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 21-7016. Based on review of the information currently available in this permit application, we advise that the scope of work and variances 2, 3, 5, 6 & 7 should be amended as follows:

The applicant requests the Committee to approve a minor variance to **permit the existing front yard porch and existing rear yard balcony to remain** proposing:

2. A **northerly** side yard of 0.61m measured to the front porch; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.50m measured to a front porch in this instance.
3. A **northerly** side yard of 0.48m measured to the eaves of the front porch; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.05m measured to the eaves of a front porch in this instance.
5. A **southerly** side yard of 0.0m measured to the driveway; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.6m measured to a driveway in this instance;
6. A northerly side yard of 0.54m **measured to the rear balcony**; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.5m measured to a balcony in this instance;
7. A southerly side yard of 0.55m **measured to the rear balcony**; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.5m measured to a balcony in this instance;

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: Brian Bonner, Supervisor