

City of Mississauga Department Comments

Date Finalized: 2022-07-06	File(s): A314.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2022-07-14 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 an existing covered deck with a minimum side yard setback of 0.35m (approx. 1.15ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) to a deck in this instance.

Background

Property Address: 3220 Constitution Blvd

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: BP 9ALT 21-9849

Site and Area Context

The subject property is located south-east of the Bloor Street and Tomken Road intersection in the Applewood neighbourhood. Currently the property contains a two-storey detached dwelling and has a lot area of +/- 601.65m² (6,476.11ft²). Limited vegetative and landscaping elements

are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of a mix of detached and semi-detached dwellings.

The applicant is proposing a rear covered deck requiring a variance for side 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 Applewood Neighbourhood Character Area and is designated Residential Low Density I 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. Staff are of the opinion that a covered patio represents an appropriate addition to a detached dwelling and is compatible with both the site conditions and surrounding context. The application therefore maintains the general intent and purpose of the official plan.

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

The requested variance proposes a reduction in the side yard setback measured to the patio. 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. Staff note that the proposed roof structure is not excessively tall and therefore impacts of massing are limited. Furthermore rear yard access is unencumbered as access remains via the other side of the dwelling and no walls are proposed as part of the patio. Finally, Planning staff note that the Transportation & Works Department has reviewed the application and does not have any concerns regarding drainage. Staff are therefore 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?

The application, in the opinion of staff, represents appropriate development of the subject property. The porch is complementary to the property's residential use and appropriately sized. Staff are satisfied that the request is minor in nature and will not create undue impact to abutting properties.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos which depict the constructed covered deck and note that it has been equipped with an eavetrough which directs drainage away from the abutting property and directed towards the applicant's lands.





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 21-9849. Based on review of the information currently available in this permit application, the variance, as requested is correct.

Please note that comments reflect those provided through the above permit application submitted on 04/22/2022 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