

# City of Mississauga Department Comments

Date Finalized: 2022-10-12	File(s): A456.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-10-20 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 an existing addition proposing:

1. A northerly interior side yard setback of 0.0m whereas By-law 0225-2007, as amended, requires a northerly interior side yard setback of 0.61m (approx. 2.00ft) in this instance;
2. A southerly interior side yard setback of 0.0m whereas By-law 0225-2007, as amended, requires a southerly interior side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. An interior side yard setback to the roof canopy of 0.30m (approx. 0.98ft), whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the roof canopy of 0.61m (approx. 2.00ft) in this instance; and,
4. A lot coverage of 44.81% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-9480. Based on review of the information currently available in this permit application, variance # 4, as requested is correct.

Furthermore, the following variances should be amended as follows:

1. A northerly interior side setback of 0.0m to hard surface landscaping in the rear yard whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscaping in the rear yard, in this instance;
2. A southerly interior side setback of 0.0m to hard surface landscaping in the rear

yard whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m to hard surface landscaping in the rear yard (approx. 2.00ft) in this instance;

3. An northerly interior side setback to the roof canopy in the rear yard of 0.30m (approx. 0.98ft), whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the roof canopy in the rear yard of 0.61m (approx. 2.00ft) in this instance;

### **Recommended Conditions and Terms**

That the existing eaves be equipped with a downspout directed in such manor to not impact the neighbouring lot, to the satisfaction of the Transportation and Works Department.

## **Background**

**Property Address:** 3559 Kelso Cres

### **Mississauga Official Plan**

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

### **Zoning By-law 0225-2007**

**Zoning:** R4-52 - Residential

**Other Applications:** Building Permit under file BP 9ALT 21-9480

### **Site and Area Context**

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of Colonial Drive and The Collegeway. The subject property backs onto Tom Chater Memorial Park (southeast of the subject property). The immediate neighbourhood is entirely residential, consisting of two-storey detached dwellings with mature vegetation in both the front and side yards. The subject property contains a two-storey dwelling with vegetation in the property's front and side yards.

The applicant is proposing variances related to setbacks and lot coverage to permit an existing residential addition.



## 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 are as follows:

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages.

Variances #1, 2 and 3 are regarding setbacks to a hard surface and roof canopy. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties to ensure proper drainage. While Planning staff typically do not support 0m setback variances, in this instance, Transportation and Works staff have no concerns with the proposed setbacks from a drainage perspective subject to the imposition of the proposed condition above.

Variance #4 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the dwelling itself represents a lot coverage of 30.19% which is less than the maximum permitted, with the remainder of the coverage attributed to the front porch and rear roof canopy area. Staff are of the opinion that the roof canopy area and porch do not represent the same massing concerns as if the entirety of the request was for the enclosed structure, and that the proposal is appropriate for both the lot and surrounding context.

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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 existing addition are being addressed by our Development Construction Section through the current Building Permit application BP-9ALT-21/9480. We ask that the existing eaves be equipped with a downspout directed in such manor to not impact the neighbouring lot.













Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-9480. Based on review of the information currently available in this permit application, variance # 4, as requested is correct.

Furthermore, the following variances should be amended as follows:

1. A northerly interior side setback of 0.0m to hard surface landscaping in the rear yard whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscaping in the rear yard, in this instance;
2. A southerly interior side setback of 0.0m to hard surface landscaping in the rear yard whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m to hard surface landscaping in the rear yard (approx. 2.00ft) in this instance;
3. An northerly interior side setback to the roof canopy in the rear yard of 0.30m (approx. 0.98ft), whereas By-law 0225-2007, as amended, requires a minimum interior



side yard setback to the roof canopy in the rear yard of 0.61m (approx. 2.00ft) 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: Brandon Eidner, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. City owned lands, Tom Chater Memorial Park (P-291) abuts the rear of the applicant's property.
2. If future construction is required, access from the adjacent City owned lands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department, at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant