

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): A499.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-11-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application. The applicant may wish to defer the application to verify the requested variances and ensure they have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a second and third floor as well as a deck proposing:

1. A rear yard setback to the second and third floor of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the second and third floor of 7.50m (approx. 24.60ft) in this instance;
2. A rear yard setback to a balcony of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 6.50m (approx. 21.33ft) in this instance;
3. A rear yard setback to a deck of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the deck of 2.50m (approx. 8.20ft) in this instance; and,
4. An eaves encroachment of 0.83m (approx. 2.72ft) whereas By-law 0225-2007, as amended, requires an eaves encroachment of 7.05m (approx. 23.13ft) in this instance.

Amendments

The Building Department is currently processing a building permit under file BP 9ALT 22-2242. Based on review of the information currently available in this permit application, the following variances, as requested are correct.

1. A rear yard setback to the second and third floor of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the second and third floor of 7.50m (approx. 24.60ft) in this instance;
2. A rear yard setback to a balcony of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 6.50m (approx. 21.33ft) in this instance;
3. A rear yard setback to a deck of 1.88m (approx. 6.17ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the deck of 2.50m (approx. 8.20ft) in this instance;

We also advise that the following variance should be amended as follows:

4. A rear yard setback to the eaves of 0.83m (approx. 2.72ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance

Background

Property Address: 4363 Treetop Crt

Mississauga Official Plan

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

Zoning By-law 0225-2007

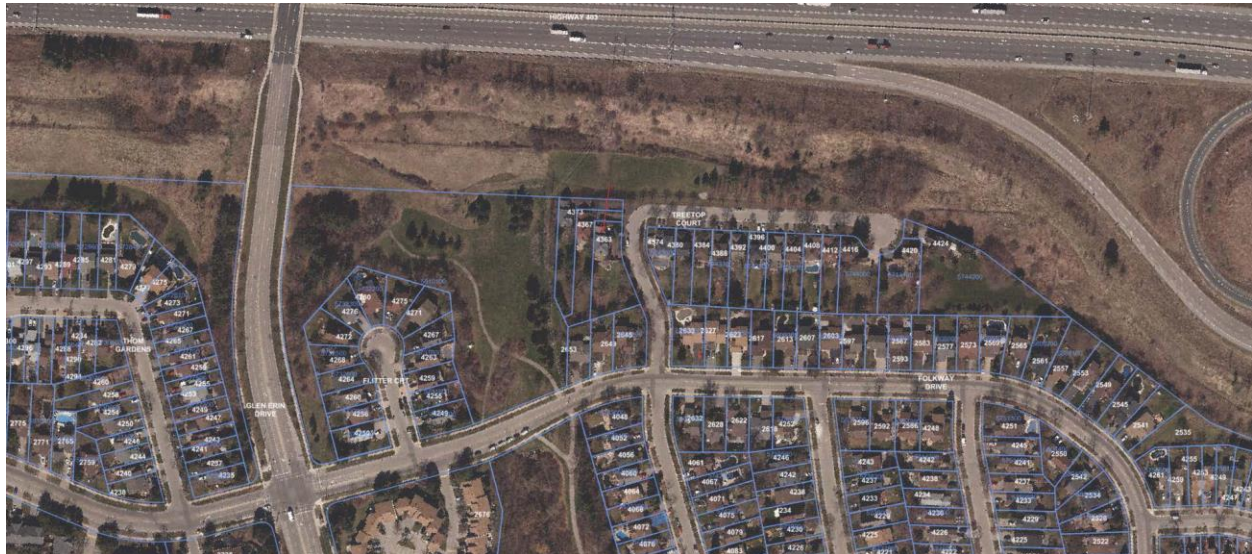
Zoning: R4-56 - Residential

Other Applications: BP 9ALT 22-2242

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southeast of Glen Erin Drive and Highway 403 overpass. The immediate area consists of a mix of housing types, primarily consisting of two-storey detached and semi-detached dwellings with some mature vegetation contained in the front and rear yards. The subject property contains an existing two-storey detached dwelling with vegetation in both the front and rear yards.

The application is proposing an addition requiring variances for rear 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached 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. The proposed dwelling is compatible with the surrounding area. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variances #1, 2, 3 and 4 relate to rear yard setbacks. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area in the rear yard. Staff note that the variances are required due to the dwelling's positioning on an irregular shaped lot which makes the interior side yard act as the primary amenity area and the rear yard as a side yard, with setbacks typically found on properties in the immediate area. Staff note that many of the dwellings within the immediate area have a similar setback to the floors above the first floor as found on the first. As a result, the proposed setbacks to the dwelling are consistent with the neighbourhood's character. Staff is of the opinion that the proposed balcony will not cause any

overlook concerns with the neighbouring property to the west due to the staggered positioning of the dwellings. Lastly, staff have no concerns with the proposed setbacks to the eaves or deck, as these setbacks are consistent with setbacks found in the immediate area and these features of the dwelling create negligible massing impacts. If there are any concerns regarding drainage, these will be addressed by Transportation and Works through the active building permit application.

Staff note that the applicant is proposing a three-storey dwelling, which is uncommon and out of character with dwellings found in the immediate area. However, variances for height are not required to accommodate the proposal. As such, staff has no objections with the proposed height of the dwelling at this time. Staff note that the calculation that differentiates a "flat roof" from a "sloped roof" is currently under review. If new regulations come into effect prior to issuance of a building permit, the applicant may need to obtain an additional variance relating to building height, which may not be supported by Planning staff in the future. The applicant may wish to redesign the dwelling to accommodate a two-storey dwelling to avoid seeking additional variances for dwelling height in the future.

As such, staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

Upon review of the application, staff are generally satisfied that the proposal represents appropriate development of the subject lands. The variances being sought are both individually and cumulatively minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 property will be addressed by our Development Construction Section through BP-9ALT 22-2242.



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 22-2242. Based on review of the information currently available in this permit application, the following variances, as requested are correct.

1. A rear yard setback to the second and third floor of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to the second and third floor of 7.50m (approx. 24.60ft) in this instance;
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Zoning also advise that more information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 08/05/2022 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

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner