

City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A633.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing an interior side yard setback of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance.

Amendments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-3480. Based on review of the information currently available in this permit application, the variance, as requested is correct.

In addition, we advise that the following variance be added:

2. An interior side yard setback to the eaves overhang of 1.34m (approx. 4.40ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves overhang of 1.96m (approx. 6.43ft) in this instance.

Background

Property Address: 1816 Paddock Cres

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

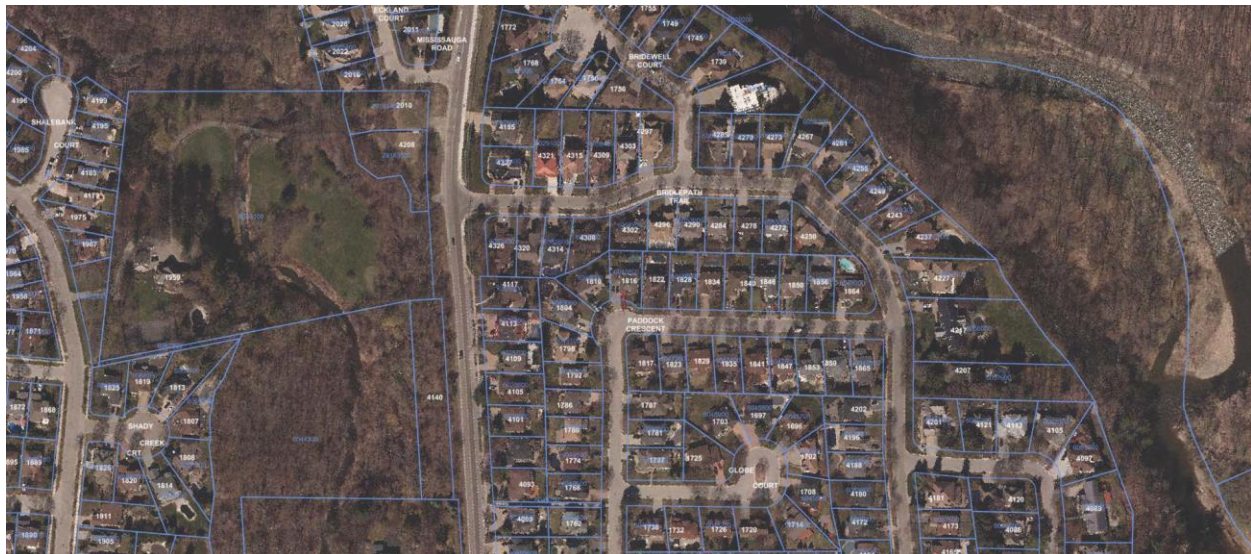
Zoning: R2 - Residential

Other Applications: Building Permit under file BP 9ALT 22-3480

Site and Area Context

The subject property is located in the Erin Mills Neighbourhood Character Area, southeast of the Mississauga Road and Queen Elizabeth Way overpass. The immediate neighbourhood consists primarily of larger two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a second storey addition requiring variances for interior 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 Erin Mills 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. The proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. 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?

The applicant is proposing a second storey addition over an existing attached garage, requiring variances for interior side yard setbacks. 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, and that access to the rear yard ultimately remains unencumbered. Staff have no concerns with the applicant's proposal, as the variances required are only to accommodate a second storey addition over the attached garage. Therefore, the proposed setback will not impede access to the rear yard. Staff note that the applicant will be maintaining the same setback to the second storey addition that exists to the existing garage. Many two-storey dwellings in the immediate area have a similar setback between the first and second storey of the residential dwelling. Therefore, the applicant's proposal is consistent with dwellings found in the immediate area.

As such, staff are satisfied 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 satisfied that the proposal represents the appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature, represent existing conditions for the lands, 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 proposed addition will be addressed by our Development Construction Section through the current Building Permit application process BP 9ALT-22/3480.



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 22-3480. Based on review of the information currently available in this permit application, the variance, as requested is correct.

In addition, we advise that the following variance be added:

2. An interior side yard setback to the eaves overhang of 1.34m (approx. 4.40ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves overhang of 1.96m (approx. 6.43ft) in this instance.

Furthermore, we advise that an additional variance may be required for an existing driveway walkway attachment width.

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 – Region of Peel

Servicing: 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 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Patrycia Menko, Junior Planner