

City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A646.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing dwelling unit proposing an interior side yard setback for an AC unit of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback for an AC unit of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 4102 Jefton Cresent

Mississauga Official Plan

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

Zoning By-law 0225-2007

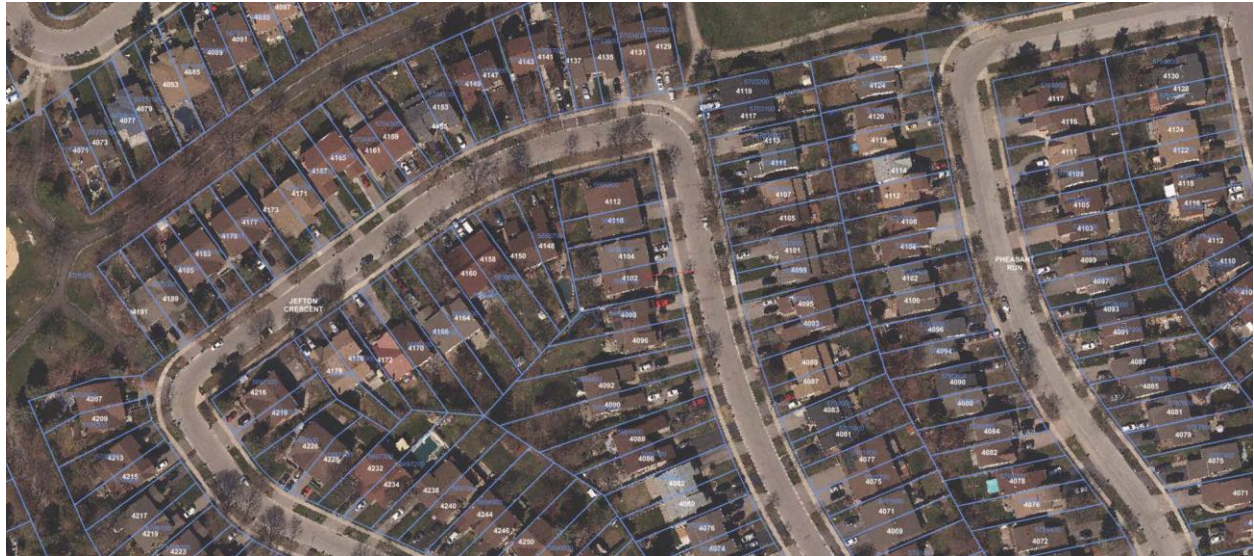
Zoning: RM1 - Residential

Other Applications: none

Site and Area Context

The subject property is located in the Erin Mills Neighbourhood Character Area, northeast of the Winston Churchill Boulevard and Burnhamthorpe Road West intersection. The immediate neighbourhood contains a mix of two-storey detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey semi-detached dwelling with vegetation in the front yard.

The applicant is proposing an AC unit requiring a variance for interior 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 are as follows:

This application is required to accommodate an existing air conditioning (AC) unit with an interior side yard setback of 0.25m (0.82ft) where a minimum interior side yard setback of 0.61m (2.00ft) is required. 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 note that the AC unit is located in the rear yard therefore the AC unit would not hinder access to the rear yard. Furthermore, AC unit's have little to no massing and the proposal does not require additional variances for lot coverage or height which can exacerbate a structure's massing. Lastly, staff is of the opinion that the proposed setback will ensure appropriate access

to the AC unit for maintenance purposes. 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.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference is a photo of the existing Air Conditioning unit. We have no drainage related concerns.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner