

# City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A658.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variances 1 through 4 and variances 6 & 7, however recommends that variance 5 be refused.

## Application Details

The applicant requests the Committee to approve minor variances to allow the construction of an addition proposing:

1. An interior right side yard setback to the proposed second storey of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a minimum interior right side setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
2. An interior left side yard setback to the existing second storey of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior left side yard setback to the second storey of 2.41m (approx. 7.91ft) in this instance;
3. An interior right side yard proposed eaves encroachment of 1.17m (approx. 3.84ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance;
4. An interior left side yard existing eaves encroachment of 1.17m (approx. 3.84ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance;
5. An existing driveway attachment width of 5.34m (approx. 17.52ft) whereas By-law 0225-2007, as amended, permits a maximum driveway attachment width of 1.50m (approx. 4.92ft) in this instance;
6. A rear yard setback to an existing shed of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a shed of 0.61m (approx. 2.00ft) in this instance; and,
7. A side yard setback to an existing shed of 0.23m (approx. 0.75ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a shed of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 3080 The Credit Woodlands

### Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

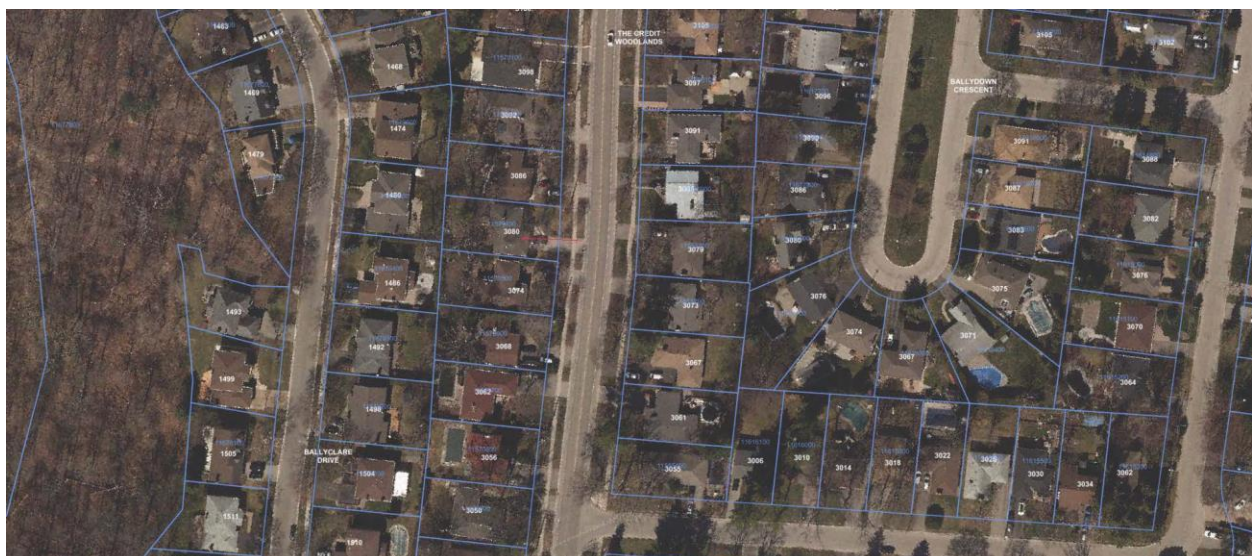
**Zoning:** R2 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located on the west side of The Credit Woodlands, north of the intersection with Dundas Street West. It currently contains a one and a half storey detached dwelling with an attached garage. The property has a lot frontage of +/- 18.4m (ft) and a lot area of +/- 712m<sup>2</sup> (ft<sup>2</sup>). Mature vegetation is present in both the front and rear yards. The surrounding area context is predominantly residential, consisting of detached dwellings on generally similarly sized lots.

The applicant is proposing to construct an addition requiring variances for side yards, walkway attachment and setbacks to the existing shed.



## 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 within the Erindale Neighbourhood Character Area and is designated Residential Low Density I. This designation 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. Staff are of the opinion that the proposed built form is compatible with the surrounding context and maintains the general intent and purpose of the official plan.

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

Variances 1 through 4 request reduced side yards measured to both the main walls and the eaves. The intent of the side yard regulations are to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered. The applicant is proposing to build on top of the existing first storey and will not be encroaching farther into the side yard than the existing structure already does. Staff are satisfied that maintaining the existing side yards provides an adequate buffer, maintains existing drainage patterns and permits continued access to the rear yard. Building directly on top of the existing wall does not create any significant additional impacts when compared to as of right permissions. Furthermore no height or eave height variances are requested.

Variances 6 & 7 request reductions in setbacks to the existing rear yard shed. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. Staff are satisfied that the proposed setback is appropriate in this instance and note that no additional variances for height or floor area are requested, which would create additional impacts. Furthermore Transportation & Works has not raised any drainage related concerns.

Given the above, Planning staff therefore are of the opinion that the above variances maintain the general intent and purpose of the zoning by-law.

Variance 5 requests an increased walkway attachment width. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. The proposed walkway attachment and layout can facilitate the parking of a vehicle on the walkway, contrary to the intent of the by-law. Planning staff are therefore of the opinion that variance 5 does not maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal, with the exception of variance 5, represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape when compared to an as of right condition. The remaining variances, in the opinion of staff, are minor in nature.

Comments Prepared by: Alexander Davies, 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 through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit 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.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

## Appendix 3 – Region of Peel

Servicing: Iwona Frandsen (905) 791 7800 x7920

### 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. 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](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Patrycia Menko, Junior Planner