

City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A664.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing deck proposing:

1. An interior side yard setback of 0.0m whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A lot coverage of 38.82% (139.60sq m (approx. 1502.64sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (125.86sq m (approx. 1354.74sq ft)) in this instance.

Background

Property Address: 4296 Greybrook Cres

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

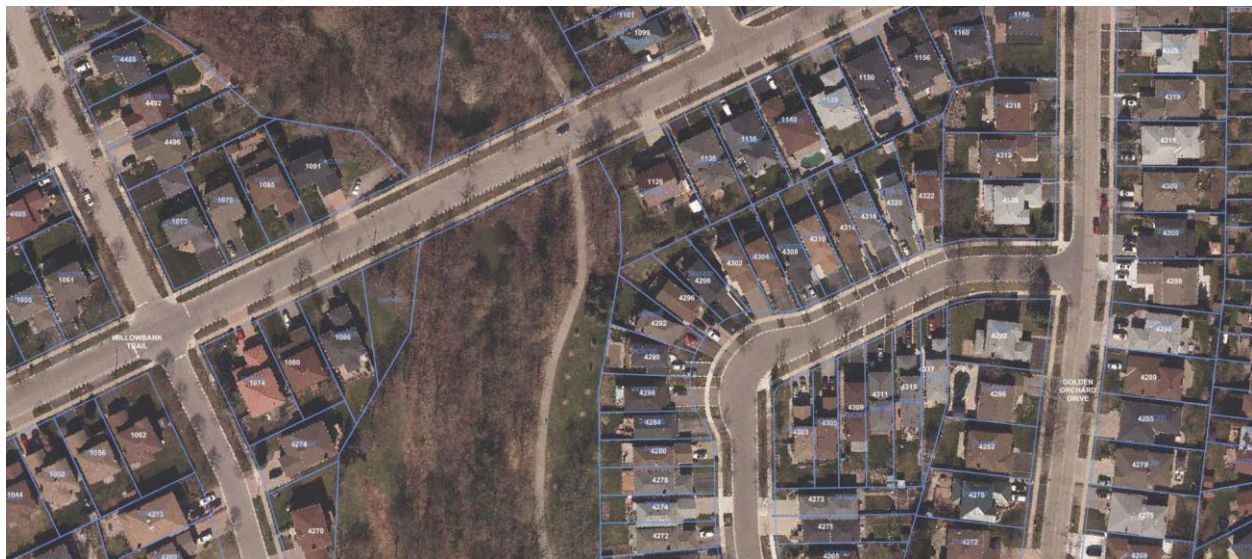
Zoning: RM1 - Residential

Other Applications: BP 9ALT 21-6735

Site and Area Context

The subject property is located south-east of the Eastgate Parkway and Tomken Road intersection and currently houses a two-storey detached dwelling with limited vegetation and landscape elements in both the front and rear yards. It is an interior parcel with a lot area of approximately $\pm 366.85\text{m}^2$ (3,948.74 ft^2). Contextually, the surrounding neighbourhood consists exclusively of detached and semi-detached dwellings on lots of varying sizes.

The applicant is proposing the construction of a rear balcony requiring variances for lot coverage and 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 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, 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 proposed rear balcony is in line with other dwellings in the

surrounding area and will not negatively impact the character of the area. Furthermore it creates no impacts to the streetscape. Staff are of the opinion 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?

Variance 1 pertains to the interior side yard. 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, access to the rear yard ultimately remains unencumbered, and appropriate drainage patterns can be maintained. The portion of the deck along the lot line is uncovered and creates no additional massing, and full access to the rear yard is maintained over the deck. Furthermore Transportation & Works staff have raised no drainage concerns.

Variance 2 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit the impacts of the building's massing. Staff are of the opinion that this increase is minimal and remains consistent with the built form of the area. Furthermore the dwelling itself complies with the lot coverage provisions, with the overage being fully attributable to the proposed balcony. Staff are satisfied that the balcony will not pose the same massing impact as an enclosed structure. Staff are satisfied that the proposal does not represent overdevelopment of the lot and does not pose significant massing impacts.

Given the above, Planning staff are of the opinion that the variances 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?

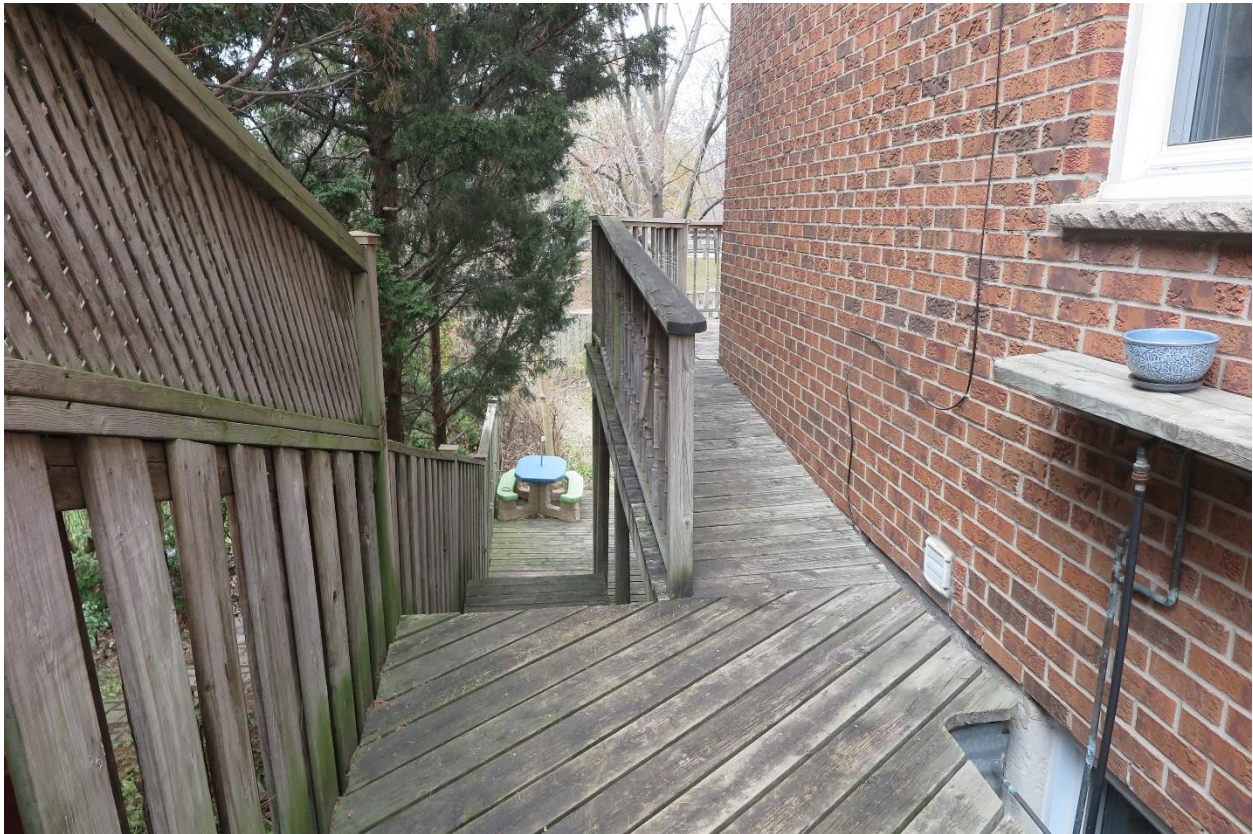
Based on the provided drawings, the requested variances pose negligible impacts to the neighbouring properties and streetscape. Planning Staff are of the opinion that that the variances related to are minor in nature and represent the orderly development of the lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of this property we observed no drainage related concerns with the existing deck.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-6735. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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 above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Applewood Hills (P-049) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Access from the adjacent City owned lands is not permitted.
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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Planning: Patrycia Menko (905) 791 7800 x3114

Comments:

- Please be advised that the subject property is located within the limits of the regulated area of the Toronto & Region Conservation Authority (TRCA). Regional Planning staff, therefore, request that the Committee and City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner