

City of Mississauga Department Comments

Date Finalized: 2023-02-15	File(s): A490.22 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A below grade stairwell with a side yard setback of 0.20m (approx. 0.66ft), whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.93ft) in this instance;
2. An existing pergola and screen proposing a side yard setback of 0.20 m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00 ft) in this instance; and,
3. An existing roof over the side entrance with an exiting side yard setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00 ft) in this instance.

Background

Property Address: 6510 Saratoga Way

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications: BP 9ALT 21-10001

Site and Area Context

The subject property is located south-east of the Doug Leavens Boulevard and Ninth Line intersection in the Lisgar neighbourhood. It is an interior lot and currently contains a detached dwelling with an attached garage. The property has a lot frontage of +/- 10.6m (34.8ft), consistent with the abutting detached properties. The area context includes a mix of detached and semi-detached dwellings on varying sized lots, as well as vacant lands across Ninth Line. Limited vegetation and landscaping elements are present in both the front and rear yards.

The applicant is proposing to legalize a below grade entrance and accessory structure requiring variances for 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:

The subject property is located in the Lisgar Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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.

All of the requested variances proposed reduced side yard setbacks to various features of the subject property. The intent of the side yard setback regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and access to the rear yard remains unencumbered.

Based on a survey submitted to the Committee of Adjustment office there appears to be a discrepancy between the side yard setback shown on the site plan and the setback on the survey. This discrepancy impacts the location of the side property line and the setbacks to the structures. Staff therefore recommend that the application be deferred until this discrepancy can be addressed.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department questions the accuracy of the Site Plan Drawing A01 submitted as it depicts a 0.91M setback from the edge of the garage to the property line whereas the recent information and survey plan provided by the abutting neighbour depicts a 0.68M setback from the edge of the garage to the property line.

We have also re-attached photos from our initial site inspection as at time of our re-inspection there was a considerable amount of snow cover.

In view of the above we would request that this application be deferred until the accuracy of the information provided is deemed to be correct and can be properly evaluated.







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 21-10001. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

The lands to the rear of the property are owned by the City of Mississauga, identified as Cordingley Park (P-364) and zoned OS1 – Open Space – Community Park.

1. If future construction is required, access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. 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 – Conservation Halton

- The subject property is not regulated by Conservation Halton (CH).
- Given the size of the site (approx. 0.03 ha.), CH defers the review of SWM to City of Mississauga Engineering staff.

Comments Prepared by: Braden Fleming – Environmental Planner