

City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A625.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to authorize a minor variance to allow the construction of an addition and driveway proposing:

1. A rear yard setback of 5.68m (approx. 18.64ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A rear yard setback to the eaves overhang of 5.45m (approx. 17.88ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05m (approx. 23.13ft) in this instance;
3. An interior side yard setback of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
4. An interior side yard setback to the eaves overhang of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum interior side setback to the eaves overhang of 0.75m (approx. 2.46ft) in this instance;
5. To allow an addition to an existing dwelling in an RM5-27 Zone whereas By-law 0225-2007, as amended, does not allow for alterations or enlargements to a detached dwelling in an RM5-27 Zone in this instance;
6. A driveway width of 6.27m (approx. 20.57ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance;
7. A driveway walkway attachment width of 1.82m (approx. 5.97ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance; and,
8. A rear yard hard surface landscaping setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard hard surface landscaping setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 7153 Tabbyman Walk

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

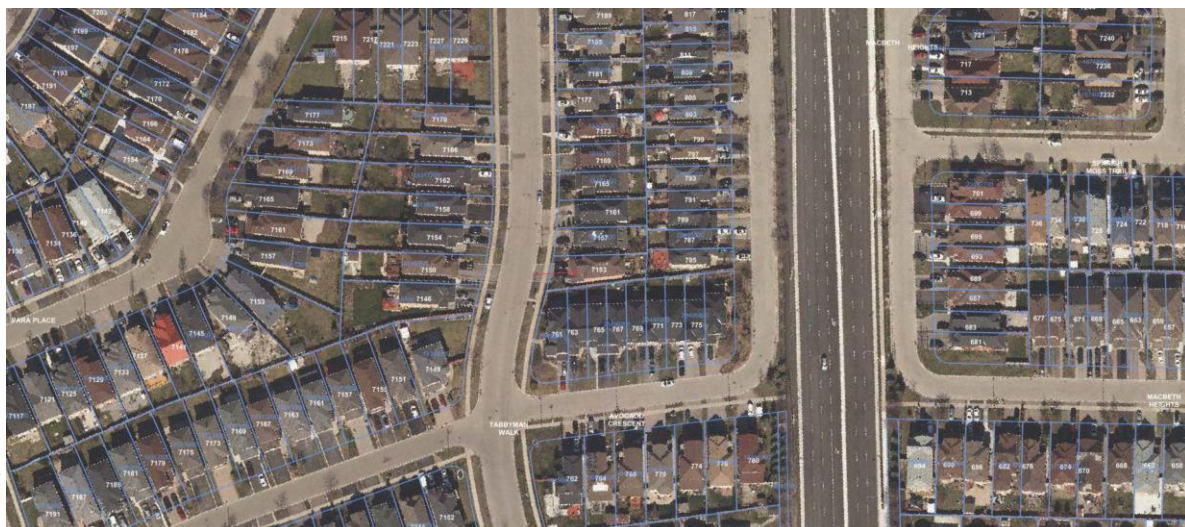
Zoning: RM5-27 - Residential

Other Applications:

Site and Area Context

The subject property is located north-west of the Mavis Road and Derry Road West intersection. It currently contains a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards. The property has a lot area of +/- 355.58m² (3,827.43ft²), characteristic of other detached dwellings in the surrounding context. The surrounding area is predominantly residential, consisting of a mix of detached, semi-detached, and townhouse dwellings.

The applicant is proposing a sunroom addition requiring variances for rear and side yard setbacks, driveway width, walkway attachment, hardscaping, and alterations to an existing detached dwelling.



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 Meadowvale Village 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. With the exception of the driveway and walkway attachment the requested variances are all located at the rear of the property and would not be visible to the streetscape. The proposal maintains the residential character of the lot and surrounding area, and therefore 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?

Variances 1 & 2 request reduced rear yards measured to both the wall and the eaves. The intent of a rear yard setback is to ensure an adequate buffer between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. The proposed setbacks are measured to a pinch point at the corner of the proposed sunroom, and the addition does not span the entirety of the rear of the dwelling. Planning staff are satisfied that an appropriate buffer and rear yard amenity area are maintained in this instance.

Variances 3 & 4 request reduced side yards measured to both the wall 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 proposed reductions are measured to a single storey sunroom and are taken to a pinch point at the corner. Given the already limited setback on this side of the dwelling access to the rear would likely occur via the other side, and Transportation and Works staff have not raised any drainage related concerns.

Variance 5 requests an addition to an existing detached dwelling. The subject property is zoned RM5-27, along with the abutting townhouse dwellings to the south and rear which all front onto Avocado Crescent. This zone does not permit detached dwellings. The adjacent property to the north and the properties across the street, which all front along Tabbyman Walk, contain detached dwellings and are zoned R11-1. Staff are of the opinion that it is appropriate for the

subject property to contain a detached dwelling given its location and frontage and are satisfied that this variance is technical in nature.

Variances 6 & 7 request increases to the driveway and walkway attachment widths. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The intent of the walkway attachment regulations are to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff are satisfied that the driveway width will restrict the parking to no more than two vehicles across and maintains sufficient soft landscaping area to maintain the character of the surrounding area. Furthermore staff are satisfied that the proposed walkway will not facilitate the movement of vehicles.

Variance 8 requests a reduced setback to hardscaping in the rear yard. The intent of this regulation in the by-law is to ensure that an appropriate buffer exists between abutting properties and that appropriate drainage patterns can be maintained. The proposal represents only a small portion of the property line, and Transportation and Works staff have not raised any drainage related concerns.

Given the above Planning staff are satisfied that the application maintains 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 represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape. The requested 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 sunroom addition will be addressed through the Building Permit Process. It should also be noted that the existing drainage pattern is to be maintained in the area of the addition.

With regards to the driveway width, this department has no objections to the existing driveway width.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-2139. Based on review of the information currently available in this permit application, variances # 1 – 5, as requested are correct.

Furthermore, 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: Brandon Eidner, Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections to this application.

Comments Prepared by: Patrycia Menko, Junior Planner