

City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A5.23
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

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

1. A maximum height of 3.33m (approx. 10.92ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
2. A side yard setback of 1.16m (approx. 3.80ft) to the covered patio whereas By-law 0225-2007, as amended, requires a side yard setback of 1.20m (approx. 3.93ft) to the covered patio in this instance;
3. A lot coverage of 42.35% whereas By-law 0225-2007, as amended, permits a lot coverage of 40.00% in this instance; and,
4. A maximum area of 19.23sq.m (approx. 206.99sq.ft) occupied per accessory building/structure whereas By-law 0225-2007, as amended, permits a maximum area of 10 sq.m (approx. 107.64sq.ft) occupied per accessory building/structure in this instance.

Background

Property Address: 5682 Glen Erin Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-24-Residential

Other Applications: BP 9ALT 22-2743**Site and Area Context**

The subject property is located on the west side of Glen Erin Drive, north of the Thomas Street intersection. It currently contains a two-storey detached dwelling with an attached garage. The property has a lot area of +/- 634.23m² (6,826.79ft²), characteristic of other detached lots along this portion of Glen Erin Drive. Limited landscaping/vegetative elements are present in both the front and rear yards. The surrounding area context includes a mix of detached and townhouse dwellings on lots of varying sizes as well as a commercial plaza.

The applicant is proposing a sunroom and covered patio requiring variances for height, side yard setback, lot coverage, and floor area.

**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 Central Erin Mills 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. The proposed construction is located at the rear of the property and would not be visible to the streetscape. Furthermore the proposals are acceptable accessory spaces to the permitted residential dwelling. Staff are therefore 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 proposes an increase in height for the sunroom and porch, and variance 4 proposes an increase in floor area for the porch. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. The height variance is measured to the highest point of the roof where it connects to the existing dwelling, and the height decreases as the roof line moves away from the existing wall. The proposed porch is open on two sides which limits its massing impacts.

Variance 2 proposes a reduced side yard setback. 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 setback variance is exceedingly minor in nature, and staff note that the sides of the sunroom and porch align with the existing side walls of the dwelling. Staff are therefore satisfied that appropriate buffers and access are maintained, and note that Transportation and Works staff have not raised any drainage related concerns.

Variance 3 proposes an increase in the permitted lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The proposed sunroom and covered porch elements are a single storey in height, and when combined with the open sides of the porch result in a limited massing impact to abutting properties. Furthermore a portion of the lot coverage is attributable to the shed, which is separated from the main structure and helps spread massing across the lot.

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 when compared to an as of right condition. 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 construction of an addition will be addressed through the Building Permit process. At the time of our site inspection we were not able access the rear yard due to the snow cover, however we would recommend that the existing drainage pattern in the area of the addition be maintained.



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 22-2743, 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: Sherri Takaloo, Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections to this application.

Comments Prepared by: Patrycia Menko, Junior Planner