

City of Mississauga Department Comments

Date Finalized: 2023-04-05	File(s): A40.23 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-13 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 approve a minor variance to allow the construction of an addition proposing:

1. A south side yard setback of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
2. A south side yard eaves setback of 1.44m (approx. 4.72ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback for the eaves of 1.96m (approx. 6.43ft) in this instance; and,
3. A lot coverage of 31.56% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance.

Background

Property Address: 1539 Ballyclare Dr

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 north-west of the Dundas Street West and The Credit Woodlands intersection in the Erindale neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. The property has a lot frontage of +/- 18.4m (ft) and a lot area of +/- 692.26m² (7,451.42ft²). 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 and townhouse dwellings. Non-residential uses are present along Dundas Street West.

The applicant is proposing to construct an addition requiring variances for side yard setback and lot coverage.



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 and 2 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 would not create any significant additional impacts when compared to as of right permissions. Furthermore no height or eave height variances are requested.

Variance 3 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit massing impacts on abutting properties. Staff note that the proposed increase is minor in nature and represents an existing condition on the subject property. Staff are therefore satisfied that the proposal does not represent an overdevelopment of the subject property.

Given the above Planning staff are of the opinion 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 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. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition.





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

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner