

City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): A98.23 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act

Application Details

The applicant requests the Committee to approve a minor variance for an addition proposing an exterior side yard setback of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 4123 Martlen Cres

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM1 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southeast of the Folkway Drive and Glen Erin Drive intersection. The immediate area consists of two-

storey detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing construction of an addition requiring a variance for a reduced exterior 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:

The subject property is located in the Erin Mills Neighbourhood and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff note that the required variance is to accommodate the proposed addition. The addition is located along the southern wall along the back half of the existing building and projects into the exterior side yard 2.74m (9ft). The remaining portion of the southern wall maintains the minimum exterior side yard requirement. Consideration must also be given to the size of the boulevard, which provides additional buffering between the dwelling's massing and the travelled portion of the road, further mitigating any potential impact. It is Staff's opinion that the proposed setback is sympathetic to the surrounding area and will have a negligible impact on the neighbouring properties. Through a

detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, 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 by our Development Construction Section through the future Building Permit process.





Comments Prepared by: John Salvino, 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

Minor Variance Application: A-98/23 – 4123 Martlen Crescent
Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Patrycia Menko, Junior Planner