

# City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): A118.23 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variances 1 & 2, however recommends variance 3 be refused.

## Application Details

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

1. A side yard setback to the second storey of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A side yard balcony encroachment of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 0.00m in this instance; and,
3. A side yard setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 3662 Denburn PI

### Mississauga Official Plan

Character Area: Applewood Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3- Residential

**Other Applications:** BP 9ALT 22-4999

## Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road East and Fieldgate Drive intersection in the Applewood neighbourhood. It has a frontage of +/- 21m (69ft), larger than average for the surrounding context as the property is a corner lot, and currently contains a detached dwelling. Limited landscaping elements are present in both the front and rear yards, however a mature tree is present on the subject property. The surrounding area context is exclusively residential, consisting of a mix of detached and semi-detached dwellings.

The applicant is proposing to construct an addition and legalize the existing driveway requiring variances for side yard setbacks and driveway 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:

### Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Applewood Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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. The applicant is proposing a second storey over the garage which will not increase the footprint of the dwelling, maintains the residential character of the property, and will not have significant impacts to the streetscape or larger character area.

Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. While 0 metre setbacks are present in the area they tend to be shared driveways between semi-detached dwellings. 0m setbacks on properties containing detached dwellings are not characteristic and would be out of context for the surrounding area.

Given the above Planning staff are of the opinion that variances 1 & 2 maintain the general intent and purpose of the official plan, however variance 3 does not.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variances 1 and 2 relate to the proposed setbacks measured to the addition and second storey balcony. 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. In regards to the balcony, staff are of the opinion that the proposed balcony will not create any additional privacy issues over an as of right condition.

Variance 3 relates to the driveway setback. The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Planning staff are of the opinion that a complete elimination of the setback requirement does not provide a visual separation.

Given the above Planning staff are of the opinion that variances 1 and 2 maintain the general intent and purpose of the zoning by-law, however variance 3 does not.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are satisfied that variances 1 & 2 are minor and represent appropriate development of the subject property whose impacts to the streetscape and abutting properties will be minor in nature. Planning staff are of the opinion that variance 3 is not minor in nature and does not represent appropriate development of the subject property.

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 and will be addressed through the Building Permit process.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9ALT 22-4999. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 11/28/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

**Appendix 3 – Region of Peel****Minor Variance Application: A-118/23 – 3662 Denburn Place**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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by:      Patrycia Menko, Junior Planner