

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A140.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing an interior side yard setback to the second floor of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second floor of 1.81m (approx. 5.94ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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

1. An interior side yard setback to the second floor of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second floor of 1.81m (approx. 5.94ft) in this instance
2. An interior side yard setback to the eaves overhang of the dwelling of 0.85m (approx. 2.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance

Background

Property Address: 291 Chantenay Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3- Residential

Other Applications: BP 9ALT 22-3468

Site and Area Context

The subject property is located south-east of the Queensway East and Cliff Road intersection. It is a corner property currently containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front, exterior side, and rear yards. The surrounding area context is predominantly residential consisting of detached dwellings on lots of generally similar sizes.

The applicant is proposing a second storey addition requiring variances for setbacks to the second storey and the eaves.



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 Cooksville 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 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 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.

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 provided that the existing drainage pattern 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 22-3468. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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

1. An interior side yard setback to the second floor of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the second floor of 1.81m (approx. 5.94ft) in this instance
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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: Gary Gagnier; Zoning Examiner

Appendix 3 –Region of Peel

We have no comments or objections.

Comments Prepared by: Patricia Menko, Junior Planner