

City of Mississauga Department Comments

Date Finalized: 2023-06-07	File(s): A179.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

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

1. An interior side yard setback to hard surface landscaping of 0.15m (approx. 0.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00 ft) in this instance;
2. A rear yard setback to hard surface landscaping of 0.35m (approx. 1.15ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
3. A southern setback to the lot line from the inside wall of the hot tub of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50m (approx. 4.92ft) in this instance; and,
4. A rear yard setback to the lot line from the inside wall of the hot tub of 1.10m (approx. 3.61ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 5608 Cosmic Cres

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

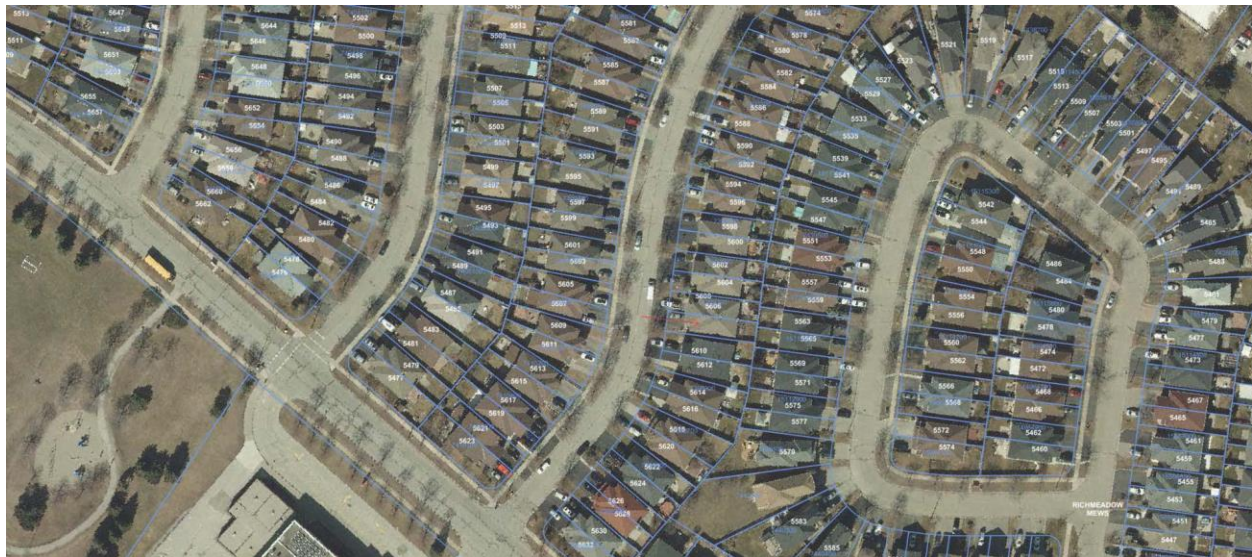
Zoning: RM2-3 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Hurontario Street and Bristol Road East intersection. It currently contains a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards, consistent with the surrounding area. The surrounding area context is predominantly residential, consisting of semi-detached dwellings on lots of similar sizes as well as detached dwellings.

The applicant is proposing hardscaping and a hot tub in the rear yard requiring variances for setbacks to both the hardscaping and the hot tub.



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 Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of residential built forms, including semi-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. Planning staff note that the proposal creates no massing concerns and maintains the residential character of the property. 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?

Variations 1 & 2 request reduced setbacks to hardscaping in the rear yard. The intent of this regulation in the by-law is to ensure that appropriate drainage patterns can be maintained. The reductions requested by the applicant represent minimal deviations from the permissions of the by-law. Staff further note that Transportation and Works staff have not raised any drainage related concerns.

Variations 3 & 4 relate to setbacks to the inside wall of a hot tub. The intent of these setbacks are to ensure that there is sufficient space for any maintenance or repairs that need to be made without needing to encroach onto a neighbour's property. In addition, in the event there is a major leak, it protects adjacent neighbour's properties in case their foundation is close to the lot line. Staff note that the requested setback reduction is required from the interior side lot line to the hot tub. The requested setbacks represent minor deviations from the minimum required and staff are of the opinion that the proposed setback will provide sufficient space for maintenance or repairs to the hot tub.

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?

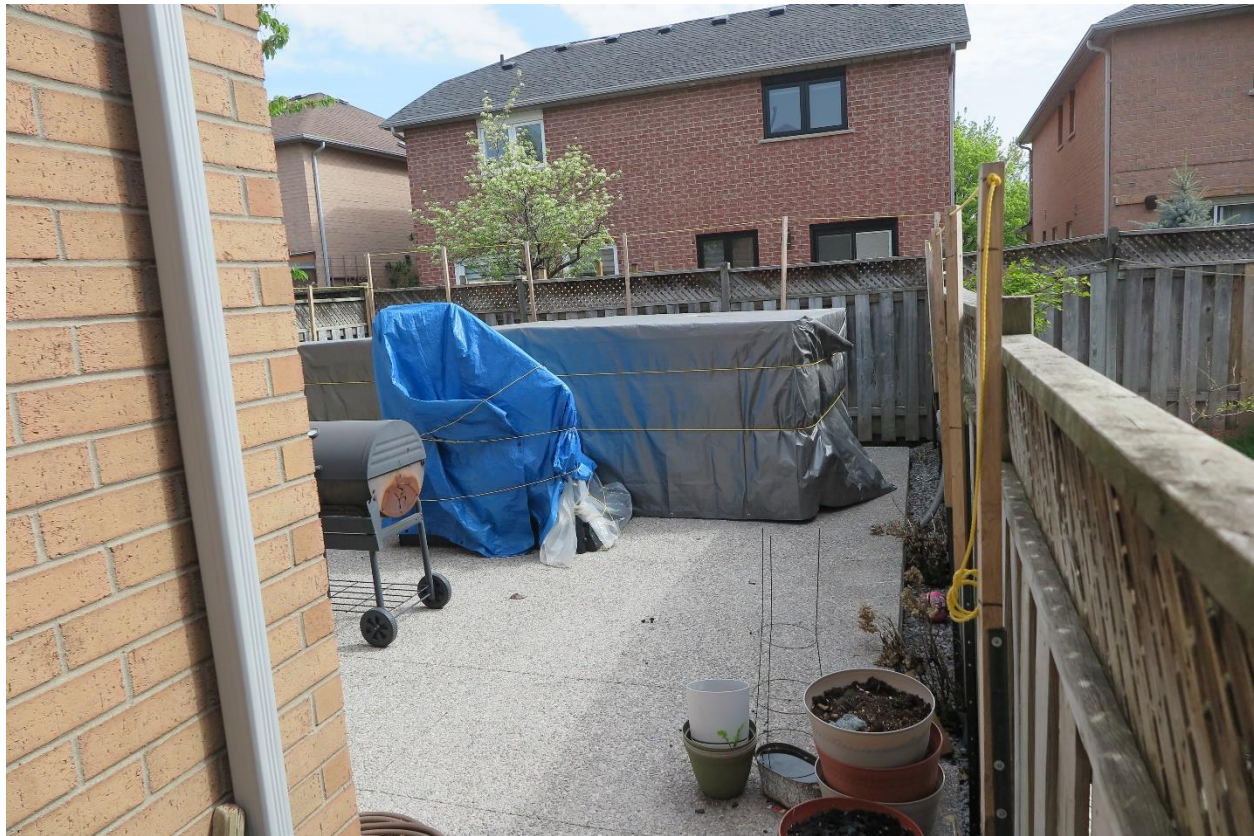
Planning staff are satisfied that the impacts of the proposal are minor in nature. Furthermore staff are satisfied that the application represents appropriate development of the subject property

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the request which we understand pertains to the existing Hot Tub.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

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