

# City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A207.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the application, subject to the proposed condition.

## Application Details

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

1. A front yard setback to the garage face of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback to the dwelling of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
3. A front yard setback to the eaves overhang of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended requires a minimum front yard setback of 5.55m (approx. 18.21ft) in this instance;
4. An interior side yard setback to the dwelling of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. An interior side yard setback to the eaves overhang of 0.35m (approx. 1.15ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 0.75m (approx. 2.46ft) in this instance;
6. A front yard setback to the porch stairs of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended requires a minimum front yard setback of 4.40m (approx. 14.44ft) in this instance;
7. A driveway side yard setback 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; and,
8. A driveway width of 5.59m (approx. 18.34ft) whereas By-law 0225-2007, as amended permits a maximum driveway width of 4.74m (approx. 15.55ft) in this instance.

## Recommended Conditions and Terms

That the existing curb straddling the westerly lot line be extended along the westerly property line to the fence post located at the southerly terminus of the driveway.

## Background

**Property Address:** 856 Atwater Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM1-26 - Residential

**Other Applications:** Preliminary Zoning Review application under file PREAPP 22-2531.

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, east of the Atwater Avenue and Northmount Avenue intersection. The residential portion of the neighbourhood consists of one and two-storey detached, semi-detached and townhouse dwellings, on lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing an addition requiring variances for setbacks and an existing driveway.



## 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 Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex 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 proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied 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?**

Variances # 1, 2, 3 and 6 pertain to front yard setbacks. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff note that the requested variances are generally required to accommodate existing features of the existing detached dwelling. The applicant is proposing to relocate existing porch stairs, thereby providing a greater

setback from the front lot line than the existing stairs. The proposed setbacks are consistent with other front yard setbacks found in the immediate area.

Variances #4 and 5 are for side yard setbacks. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The value of the deficiencies proposed are significant, however, they are only required for a small portion of the dwelling that faces the easterly side yard and access to the rear yard is maintained via the westerly side yard. The proposed setbacks represent existing conditions. Lastly, no height variances are proposed, limiting any massing impact on the property to the east.

Variances # 7 and 8 are required to accommodate an existing driveway. Planning staff do not typically support variances for 0m setbacks to paved surfaces and driveways, however, staff note that variances with 0m setbacks are common in the immediate area. Furthermore, Transportation and Works staff have raised no concerns with the proposed setback from a drainage perspective, so long as the above noted condition is approved. As such, Planning staff support the variance, subject to the proposed condition. With respect to variance #8, staff are of the opinion that the requested driveway width cannot accommodate three cars parked side by side, therefore the existing driveway meets the intent of the driveway width regulation.

Staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

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

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 garages will be addressed by our Development Construction Section through the future Building Permit process. We advise that the proposed driveway is to include a curb along the right edge in order to stop the surface drainage to flow onto the neighboring property and direct it out to the front of the lot.













Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-2531. Based on review of the information currently available in this application, variance # 7, as requested is correct.

In addition, we advise that the following variances should be amended as follows:

1. A front yard setback to the garage face of **4.73m (approx. 15.52ft)** whereas By-law 0225-2007, as amended requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback to the dwelling of **4.73m (approx. 15.52ft)** whereas By-law 0225-2007, as amended requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
3. A front yard setback to the eaves overhang of **4.73m (approx. 15.52ft)** whereas By-law 0225-2007, as amended requires a minimum front yard setback of 5.55m



(approx. 18.21ft) in this instance;

4. An interior **northerly** side yard setback to the dwelling of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;

5. An interior **northerly** side yard setback to the eaves overhang of **0.34m (approx. 1.12ft)** whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 0.75m (approx. 2.46ft) in this instance;

6. A front yard setback to the porch stairs of **2.60m (approx. 8.53ft)** whereas By-law 0225-2007, as amended requires a minimum front yard setback of 4.40m (approx. 14.44ft) in this instance;

8. A driveway width of **5.94m (approx. 19.49ft)** whereas By-law 0225-2007, as amended permits a maximum driveway width of 4.74m (approx. 15.55ft) in this instance.

We advise that more information is required in order to determine whether additional variance(s) will be required.

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: Brandon Eidner, Zoning Examiner

### Appendix 3 – Region of Peel

#### Minor Variance: A-23-207M – 856 Atwater Avenue

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).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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