

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A247.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 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:

1. A west side yard setback of 0.614m (approx. 2.01ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An east side yard setback of 0.467m (approx. 1.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. A combined side yard setback of 1.081m (approx. 3.55ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 2.80m (approx. 9.19ft) in this instance; and,
4. A garage projection of 0.762m (approx. 2.50ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance.

Amendments

We advise that the variances should be amended as follows:

1. A west side yard setback of 0.61m (approx. 2.01ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An east side yard setback of 0.46m (approx. 1.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. A combined side yard setback of 1.08m (approx. 3.55ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 2.80m (approx. 9.19ft) in this instance; and,

4. A garage projection of 0.76m (approx. 2.50ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance.

Background

Property Address: 1542 Drymen Cres

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 -Residential

Other Applications: BP 23-6978

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra Road and Atwater Avenue intersection. The subject property contains a single storey detached dwelling with limited vegetation. It is a pie shaped lot located on the curve of Drymen Crescent and has a lot area of +/-1106.48 m² (+/-11910 ft²). The neighbourhood consists of one and two storey detached dwellings on lots of similar sizes.

The applicant is proposing a carport requiring variances for setbacks and garage projection.



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 Mineola 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, duplex, triplex and other forms of low rise dwellings with individual frontages. 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 proposed addition is located in the side yard and does not present any significant massing concerns to the abutting property. Planning staff are satisfied that the built form is appropriate for the subject property given the surrounding context and will not negatively impact the streetscape. 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 and #3 pertain to reduced individual and combined side yard setbacks. The general intent of side yard regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard ultimately remains unencumbered. Staff note that the

reduced setbacks on both sides are measured to a pinch point, and gradually increases as you move towards the rear of the lot. Furthermore it is important to note that the dwelling is not sited parallel to the lot line, resulting in an increased setback back as you move towards the rear of the lot. This effect impacts the combined setbacks in the same manner. Therefore, staff is of the opinion that the proposed setbacks maintain a sufficient buffer to the neighbouring properties, and are large enough to ensure access to the rear yard remains unencumbered.

Variance #4 is to permit an increased garage projection. The intent of restricting the projection is to maintain a consistent streetscape while ensuring the garage is not the dominant feature of the dwelling. Staff note that the existing porch projects further beyond the garage, mitigating any impacts of the garage projection. Furthermore, the proposed carport, while technically regarded as a garage, does not have the same massing impacts as a garage due to the majorly unenclosed space. Staff are satisfied that the carport is designed in a way that prevents it from being the dominant feature of the dwelling and respects the streetscape.

Given the above staff are satisfied that the variances maintain 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 requested variances, both individually and cumulatively, are minor in nature. Staff are of the opinion that the proposal is appropriate development for the subject lands and meets the four tests of a minor variance.

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/6978.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file 23-6978. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A west side yard setback of 0.61m (approx. 2.01ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An east side yard setback of 0.46m (approx. 1.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
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4. A garage projection of 0.76m (approx. 2.50ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.00m in this instance.

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner