

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A332.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 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. An exterior side yard setback to the second storey of 4.73m (approx. 15.52ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance; and,
2. A setback to the entrance canopy of 3.12m (approx. 10.24ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance.

Amendments

Zoning staff advise that the following variance be added:

3. A setback for the hard surfaced landscape material in the rear yard of 0.0m (approx. 0.0ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 1405 Liveoak Drive

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75- Residential

Other Applications: Building Permit under file SEC UNIT 23-7309

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south-east Dixie Road and South Service Road intersection. The neighbourhood is entirely residential, consisting of one storey and two storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property currently contains a one and a half storey bungalow on a corner lot with mature vegetation in the property's front and side yards.

The applicant is proposing an addition requiring variances for setbacks to the second storey and entrance canopy.



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 I 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 respects the designated and surrounding land uses. Planning 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?

Staff note that, as indicated in the application form by the applicant, the variances being sought are for an addition to the second storey. However a review of the drawings indicate a new dwelling is being proposed that maintains the existing dwelling's footprint.

Variances #1 and #2 request relief in the side yard setback measured to the second storey and entrance canopy respectively. According to the zoning by-law, the shorter of the two lot lines that divide the lot from the street or a private road is considered the front lot line for a corner lot. Staff note that due to the position and orientation of the dwelling on a corner parcel, the front façade of the dwelling faces the exterior side yard. As a result, the front yard functions as an exterior side yard. Furthermore, though technically considered the exterior side yard, the subject yard functions as a front yard in this particular instance. The intent of the front yard setback regulations 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.

The front yard setback is required to accommodate an entrance canopy which spans a small portion of the dwelling's façade, and does not pose any massing impacts. Staff note that the second storey addition is proposed to be built on top of the existing first storey's building footprint. The proposed setbacks are generally in line with abutting properties in the opinion of staff.

Zoning staff have identified an additional variance for setback to hard surfaced landscape material in the rear yard of 0.0m. However, Planning staff note that this variance refers to the walkway adjacent to the driveway in the front yard and is technical in nature. The walkway is functionally in the side yard, maintaining sufficient setbacks, providing unencumbered access to the functional rear yard and maintaining drainage patterns. Planning staff has no concerns with this variance.

Given the above Planning staff are satisfied 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 lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. The

variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Planner in Training

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 SEC UNIT-23/7309.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 23-7309. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. An exterior side yard setback to the second storey of 4.73m (approx. 15.52ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance; and,
2. A setback to the entrance canopy of 3.12m (approx. 10.24ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance; and,
3. A setback for the hard surfaced landscape material in the rear yard of 0.0m (approx. 0.0ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) 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: Gary Gagnier, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-332M – 1405 Liveoak Dr

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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.
- 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.
- 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.

Comments Prepared by: Patrycia Menko, Junior Planner