

City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A219.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 1:00:00 PM

Consolidated Recommendation

The City recommends no objection to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. An interior side yard setback of 1.81m (approx. 5.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance; and,
2. A walkway attachment of 2.60m (approx. 8.53ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 3420 Enniskillen Circle

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

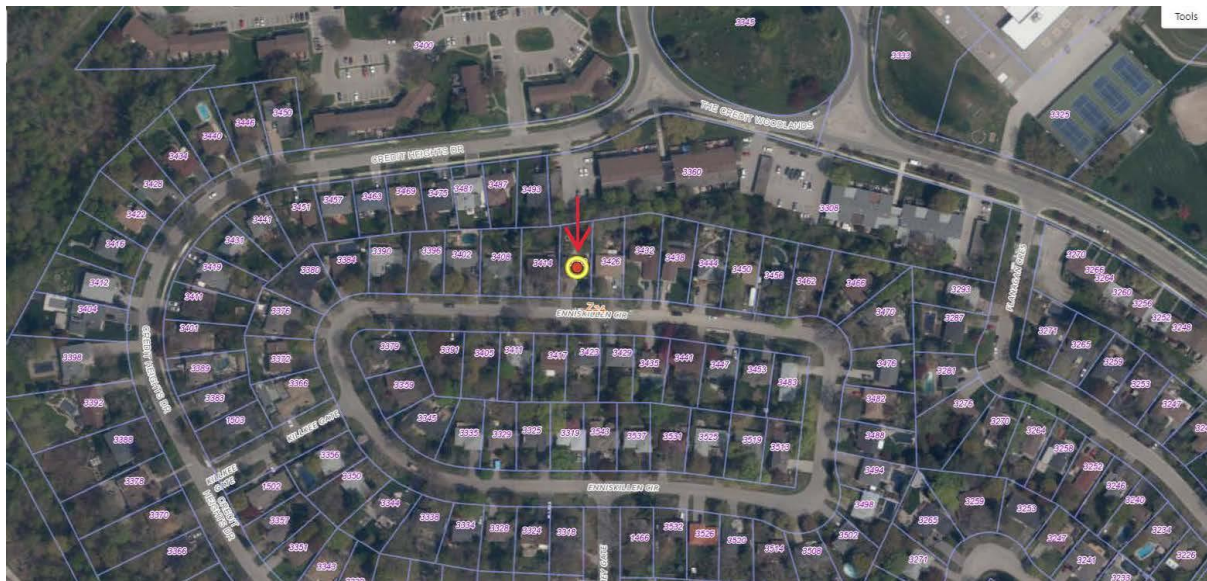
Zoning: R2-Residential

Other Applications: BP 24-970

Site and Area Context

The subject property is located north-west of the Dundas Street West and the Credit Woodlands intersection in the Erindale Neighbourhood Character Area. It currently contains one and a half storey detached dwelling with an attached garage. It has a lot area of +/- 729.22m² (7,849.25ft²), characteristic of lots along Enniskillen Circle. Mature vegetation is present throughout the subject property. The surrounding area context is predominantly residential, consisting mainly of detached dwellings on lots of varying sizes. The property is in close proximity to Erindale Park.

The applicant is proposing to construct an addition to the existing dwelling on the subject property requiring a variance for side yard setback. Additionally, the applicant is proposing to construct an accessibility ramp in the front yard, requiring a variance for walkway attachment width.



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 Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached dwellings. Section 9 of the 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 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 therefore of the opinion that the application maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 relates to a reduction in the side yard setback to proposed second storey addition. The intent of the side yard setback regulation is to ensure that there is an appropriate buffer between structures on abutting properties, unencumbered access to the rear yard is maintained and appropriate drainage is provided. Staff note the first storey of the dwelling requires a 1.8m (5.90ft) setback on both sides of the dwelling with the second storey requiring a 2.41m (7.90ft) setback. The second storey addition is proposed to sit directly on top of the first storey on the east side of the dwelling maintaining the existing first storey setback and will not encroach any further into the side yard than the existing dwelling. Staff note there is no additional variances sought for gross floor area, lot coverage or dwelling depth, mitigating any potential massing concerns on the site. Staff find the proposed reduction is negligible and that the proposed setback maintains an appropriate buffer between structures and provides unencumbered access to the rear yard. Transportation and Works staff have raised no drainage concerns. As such, staff are of the opinion that the requested variance is a minor deviation from the by-law and the application maintains the general intent and purpose of the zoning by-law.

Variance 2 pertains to an increase to the walkway attachment. The intent of this portion of the by-law is to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Through correspondence with the applicant's agent, the walkway attachment width variance has been increased from the initial proposal of 2.60m (8.53ft) to 5.98m (19.61ft). Staff note the increase is due to the redesign of the accessibility ramp to access the front entrance of the dwelling. While the proposal represents a walkway width that is wider than staff would normally support, staff note the variance is technical as the proposed 5.98m width encompasses both the accessible ramp and existing stairs that define the entryway to the dwelling. Staff are of the opinion that the walkway attachment width provides a convenient and dedicated pathway to accommodate pedestrians, defines the entryway to the dwelling and ensures the walkway or accessible ramp cannot be utilized for parking purposes.

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

Planning staff are satisfied that the proposed variances are minor in nature, represent appropriate development of the subject property, and maintain the intent of both the official plan and zoning by-law.

Comments Prepared by: Daniel Grdasic, 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 or requirements for the proposed addition will be addressed through the Building Permit Process. From our site inspection of the property and acknowledging the unique topography of the site, we note that we do not foresee any drainage-related concerns with the addition.





Comments Prepared by: Tony Iacobucci

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit 24-970. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comment

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Minor Variance Application: A-24-219M / 3420 Enniskillen Circle

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: Petrele Francois, Junior Planner