

# City of Mississauga Department Comments

Date Finalized: 2024-10-03	File(s): A432.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the amendment.

## 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 garage of 5.97m (approx. 19.59ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
2. An exterior side yard setback to the second storey balcony of 5.97m (approx. 19.59ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.50m (approx. 21.33ft) in this instance.

## Amendments

The Building Department is processing Building Permit application BP 9ALT 24-2863. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Amend Variance 2:

A second storey balcony encroachment of 1.53 m (approx. 5.02 ft) into the exterior side yard whereas By-law 0225-2007, as amended, requires a maximum encroachment of 1.0 m (approx. 3.28 ft) into a required exterior side yard in this instance.

## Background

**Property Address:** 711 Sir Richard's Rd

## Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Residential Low Density I

## Zoning By-law 0225-2007

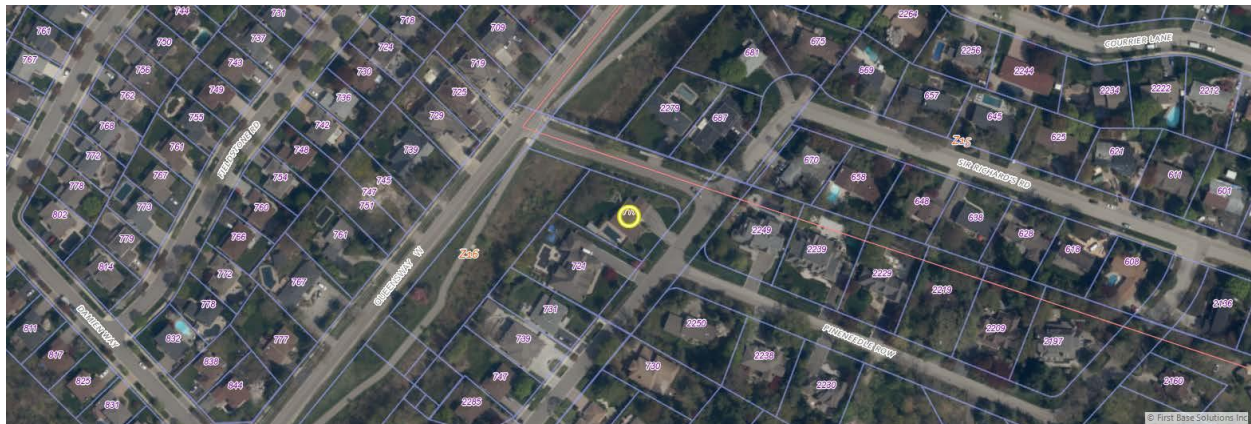
Zoning: R1-8 - Residential

Other Applications: BP 9ALT 24-2863

## Site and Area Context

The subject property is located south-west of the Queensway West and Stavebank Road intersection in the Erindale Neighbourhood Character Area. It currently contains a one-storey detached dwelling with an attached garage. Mature vegetation is present in the rear yard and along the exterior side yard lot line. The surrounding context is exclusively residential, consisting of detached dwellings on large lots with mature vegetation.

The applicant is proposing to construct an addition requiring variances for exterior side yard setback and balcony encroachment.



## 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 within the Erindale 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 proposed dwelling conforms to the designation and staff are of the opinion that the proposed built form appropriately balances the planned character of the area and the existing built form of the surrounding context. 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?**

Variance 1 proposes a reduction in the exterior side yard setback measured to the dwelling. Staff note the proposal concerns a second storey addition over the existing one-storey dwelling and the reduced setback to the exterior side yard is an existing condition on the subject property. 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 and the streetscape, appropriate drainage can be provided and that access to the rear yard ultimately remains unencumbered. Staff note that the side property line of the subject property is not parallel to the proposed structure and that the proposed setback is measured to a pinch point between the building and the lot line. At its closest to the side lot line, the proposal maintains an appropriate setback from the street and increases as the lot line moves away from the pinch point. Staff are of the opinion that the proposed setback is sufficient to maintain access to the rear yard and maintains an adequate buffer between the dwelling and streetscape. Furthermore, we note that the Transportation & Works Department has reviewed the application and does not have any concerns regarding drainage.

Variance 2 requests an increased balcony encroachment. The intent of this portion of the by-law is to mitigate any privacy or overlook conditions. Staff note the balcony faces the exterior side yard which contains mature vegetation that effectively screens the balcony. Staff are satisfied the balcony is appropriately sized and setback from the exterior side yard lot line.

Given the above, Planning staff are satisfied the requested 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?**

Planning staff are of the opinion that the proposal represent appropriate development of the subject property. The proposed variances, both individually and collectively, are minor in nature and are not expected to create undue impact on abutting properties or the streetscape.

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/requirements for the proposed addition will be addressed through the Building Permit Process. From our site inspection of the property, we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.



Comments Prepared by: Tony Iacobucci, Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application P 9ALT 24-2863. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

**Amend Variance 2:**

A second storey balcony encroachment of 1.53 m (approx. 5.02 ft) into the exterior side yard whereas By-law 0225-2007, as amended, requires a maximum encroachment of 1.0 m (approx. 3.28 ft) into a required exterior side yard in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Minan Song, Zoning Examiner

**Appendix 3 – Parks, Forestry & Environment****Park Planning**

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

The lands adjacent to the property are owned by the Province of Ontario, leased by the City of Mississauga, identified as Not Yet Named (P-361), zoned U – Utility.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email [nicholas.rocchetti@mississauga.ca](mailto:nicholas.rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner

**Forestry**

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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 Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

#### **Appendix 4 – Region of Peel**

##### **Minor Variance Application: A-24-432M / 711 Sir Richard's Road**

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

##### **Comments:**

- 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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- 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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner