

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A38.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a combined width of side yards of 6.05m (approx. 19.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.25m (approx. 27.07ft) in this instance.

### Amendments

The variance should be amended as follows:

A 2 storey dwelling proposing a combined width of side yards of 19.79% of the lot frontage (6.05m (approx. 19.85ft)) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (8.25m (approx. 27.07ft)) in this instance.

## Background

**Property Address:** 494 Rattray Park Drive

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R1-2 (Residential)

**Other Applications**

**Pre-Application:** 20-3145

**Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and Meadow Wood Road. The neighbourhood consists entirely of one and two storey detached dwellings on wide lots with mature vegetation. The subject property contains an existing one storey dwelling with mature vegetation in the front yard.

The application proposes a second storey addition above the existing garage, requesting a variance related to a deficient combined side yard width setback.

**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 are as follows:

The existing combined side yard setback of the dwelling is 6.30 m. The proposed second storey addition is only located above the garage and encroaches slightly further into the side yard than the existing dwelling thereby, lowering the combined side yard width to 6.05 m. Through a review of the neighbourhood, similar deficiencies exist and are part of the neighbourhood context. The addition is located on the westerly side yard of the dwelling which has the larger side yard setback of 4.15 m to the neighbouring property. It should be noted that the proposed addition has a flat roof height of 6.79 m which is under the maximum permitted flat roof height of 7.50 m. As such, the proposed application raises no concerns of a planning nature and is appropriate to be handled through the Committee of Adjustment process.

## Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Comments Prepared by: Lucas Petricca, 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 dwelling will be addressed through the future Site Plan Approval process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-3145. Based on review of the information currently available for this building permit, we advise that the following variances should be amended as follows:

A 2 storey dwelling proposing a combined width of side yards of 19.79% of the lot frontage (6.05m (approx. 19.85ft)) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (8.25m (approx. 27.07ft)) in this instance.

Our comments are based on the plans received by Zoning staff on 11/25/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner