

City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A130.24
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 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, as requested, meets the requirements of Section 45(1) of the Planning Act. 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. A lot coverage of 42.32% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A rear yard setback to the edge of the stair of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
3. A rear yard setback to the eaves of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance;
4. An encroachment of stairs into the rear yard of 6 risers whereas By-law 0225-2007, as amended, permits a maximum encroachment of 3 risers in this instance; and,
5. A rear yard setback to the stairs of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 3197 Eden Oak Cres

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

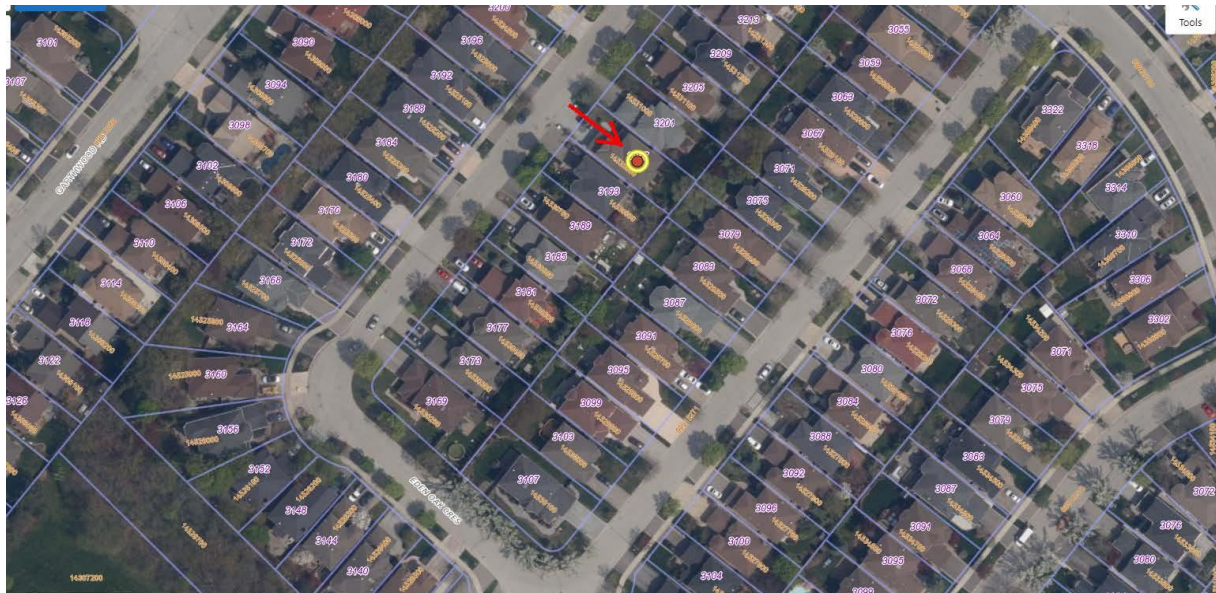
Zoning: **R4- Residential**

Other Applications: Building Permit 23-10209

Site and Area Context

The subject property is located in the Erin Mills Neighbourhood Character Area, northeast of the Cawthra Road and North Service Road intersection. The immediate neighbourhood consists primarily of two-storey detached dwellings with projecting garages and vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The application proposes a new one-storey addition (sunroom) and covered deck requesting variances for setbacks, lot coverage and an 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 are as follows:

The subject property is located in the Erin Mills Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings.

Variance #1 is for lot coverage of 42.32%, where a maximum lot coverage of 40% is permitted. Staff note that the dwelling's footprint, inclusive of the one-storey addition, covers approximately 38.6% of the subject property. The remaining coverage would be attributed to the wood deck area, covered concrete slab area and front covered porch, which are primarily open structures and do not pose any significant massing concerns. The proposed addition is one-storey in height and does not require additional variances for gross floor area or height which can have the effect of exacerbating the massing impact of the dwelling.

Variances #2, 3, 4 and 5 are regarding rear yard setbacks and a stair encroachment. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Staff note that the requested setbacks are only requested to the eaves and stairs of the one-storey addition. These features do not pose significant massing impacts. Staff note that the addition is small and does not span the entire width of the rear wall of the dwelling. The remaining portions of the dwelling complies with the rear yard setback requirements. This ensures that an appropriate rear yard amenity area is maintained.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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 23/10209.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit 23-10209. 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 comments.

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 4- CVC Comments

Please see below comments for minor variance application for 957 Beechwood Ave:

CVC staff have reviewed the minor variance application and have **no objection** to the approval of this minor variances by the Committee at this time.

CVC has previously reviewed and issued a permit for the proposed development as part of CVC permit application FF 23/073. It appears that the proposal is the same, however if any changes are required to the plans permitting by CVC. The applicant needs to contact CVC to obtain a revised permit.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application.

The applicant should forward this directly to CVC at the earliest convenience. I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions.

Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner