

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A410.20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

Consolidated Recommendation

The City has no objections to variances #1 and 3-6, however, recommend that variance #2 be refused. The applicant may choose to defer the application to verify the accuracy of the requested variances.

Application Details

The applicants request the Committee to approve a minor variance to allow:

1. A lot coverage of 44.97% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% of the lot area in this instance;
2. A driveway width of 6.6m (approx. 21.7ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.2m (approx. 17.1ft) in this instance;
3. A side yard measured to hard surface of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hard surface of 0.61m (approx. 2.00ft) in this instance;
4. A gross floor area of an accessory structure of 10.60sq.m (approx. 114.10sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance;
5. A height of an accessory structure of 3.09m (approx. 10.14ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance; and
6. A setback to an accessory structure of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 4358 Shelby Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: RM1 - Residential

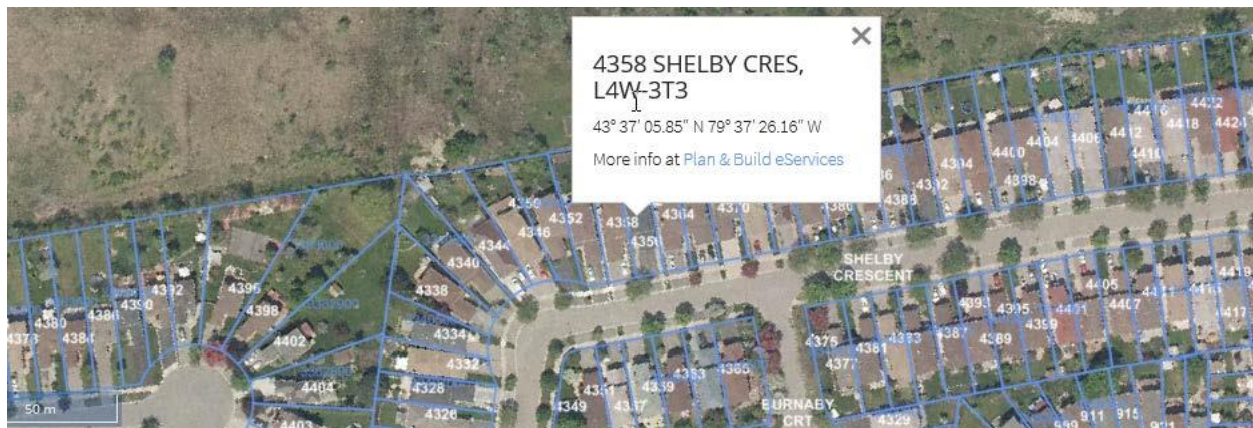
Other Applications

Building Permit: 20-4218

Site and Area Context

The subject property is located within the Rathwood Neighbourhood Character Area, southwest of Eastgate Parkway and Tomken Road. The neighbourhood consists of two storey detached dwellings with limited mature vegetation. The subject property contains an existing two storey dwelling with a widened driveway.

The applicant is proposing to legalize existing conditions related to the increased driveway width, the reduced side yard measured to a hard surface and variances related to the existing accessory structures. The applicant is also proposing a new rear covered porch.



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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which 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. Variance #2 proposes a driveway width that makes up a large majority of the lot frontage, resulting in excessive hard surfacing within the front yard. The deficient side yard is measured to the edge of the driveway at the face of the garage which makes up a minor portion of the deficient side yard and does not negatively impact the character of the streetscape. It should be noted that the interior side yard of the dwelling is permitted to have a setback of 0 m. Staff is of the opinion that variances #1 and 3-6 maintain the general intent and purpose of the official plan.

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

The intent of the zoning by-law in regulating individual driveway widths is to establish a driveway wide enough to accommodate space necessary for two vehicles parked side-by-side, with the remainder of lands being soft landscaping. While the proposed 6.66 m driveway width would not be wide enough to accommodate three vehicles parked side-by-side using the by-law regulations for the width of a parking space; it does result in the driveway being the prominent feature of the front yard with little soft landscaping. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

The remaining variances do not pose any unacceptable adverse impacts to the character of the neighbourhood and neighbouring properties. The deficient side yard is measured to the edge of the driveway at the garage face and does not continue down the entire length of the driveway, thereby limiting the impact to the neighbouring properties and streetscape. The variances related to the accessory structure are minor deviations from what is permitted, which limits the overall massing impact to the neighbouring property. Regarding the increased lot coverage, the dwelling itself combined with the attached sunroom has a lot coverage of 37.77%, which is less than what the by-law requires. The increased lot coverage is due to the combination of the proposed rear covered porch, accessory structure and front covered porch. These features do not add significant massing to the dwelling, nor do they represent an overdevelopment of the lot. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process.

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

The increased driveway width makes up more than 50% of the lot frontage, which results in a reduction of soft landscaping. As such, the front yard consists of an excessive amount of hard surfacing, which is not in-keeping with the character of the surrounding neighbourhood. The remaining variances maintain the existing and planned context of the surrounding neighbourhood and do not pose significant massing concerns to adjacent properties. Staff is of the opinion that variance #2 does not represent orderly development of the lands and is not minor in nature.

Conclusion

The Planning and Building Department has no objections to variances #1 and 3-6, however, recommend that variance #2 be refused. The applicant may choose to defer the application to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department advises that we do not have any drainage related concerns with respect to the accessory shed structure.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9ALT 20-4218. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Our comments are based on the plans received by Zoning staff on 11/04/2020 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: Adam McCormack – Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner