

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-28	File(s): A57.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 1:00 PM

## Consolidated Recommendation

The City has no objection to the variance(s), as requested. Should Committee see merit in the Application, Planning Staff would recommend the conditions identified below be imposed.

## Application Details

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

1. A driveway width within 6 metres of the garage face of 11.47m (approx. 37.63ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within 6 metres of the garage face of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width beyond 6 metres of the garage face of 10.71m (approx. 35.14ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond 6 metres of the garage face of 8.50m (approx. 27.89ft) in this instance;
3. A walkway attachment of 3.54m (approx. 11.61ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
4. 3 flat roofs whereas By-law 0225-2007, as amended, does not permit flat roofs in this instance;
5. A height of an accessory structure of 4.33m (approx. 14.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.50m (approx. 11.48ft) in this instance;
6. An accessory structure area of 67.58sq.m (approx. 727.43sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
7. A combined occupied area for all accessory buildings and structures of 85.64sq.m (approx. 921.82sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined occupied area for all accessory buildings and structures of 60.00sq.m (approx. 645.83sq.ft) in this instance.

## Amendments

The Planning and Building Department is currently processing a site plan approval application under file SPI 20-136. Based on review of the information currently available for this application, we advise that the following variance is required:

One (1) existing garage to remain and one (1) proposed garage (carport), whereas By-law 0225-2007, as amended, permits a maximum of one (1) garage in this instance;

## Recommended Conditions and Terms

We would request the following conditions:

1. That the approval of the variances is tied to the approved site plan with the removal of the existing hardscaping in the rear yard and the reinstatement of sod.

## Background

**Property Address:** 6880 Second Line West

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

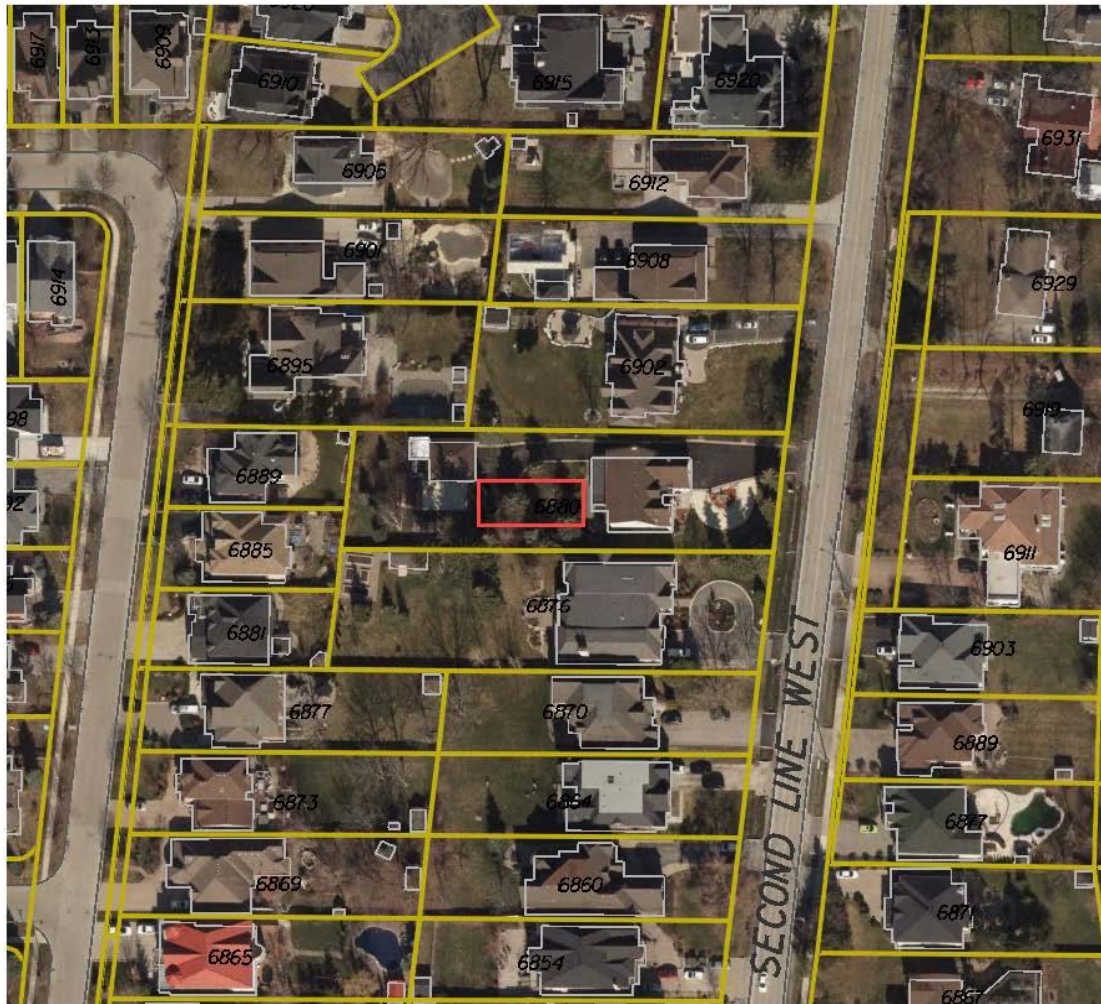
**Zoning:** R2-10 - Residential

**Other Applications:** BP 9ALT 20-3557

### Site and Area Context

The subject property is located south-west of the Second Line W and Old Derry Rd intersection. It is an interior parcel with a lot area of +/- 2,645.35m<sup>2</sup> and a lot frontage of +/- 27.37m. The property currently houses a two-storey, detached dwelling with mature vegetation and landscape elements in the front and rear yards. Contextually, the area is comprised primarily of two-storey detached dwellings with lot frontages +/-19.0m with mature vegetation and landscape elements present in the front yards.

The applicant is proposing a series of additions to the existing dwelling that require variances for driveway width, walkway attachments and flat roofs.



## 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 Meadowvale Village Neighbourhood character area, specifically the Village Precinct and designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings 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. Section 16.17 of the MOP also promotes that urban design policies apply to all lands within the Village Precinct area that surround the Meadowvale Village Heritage Conservation District. The proposed additions are located on the north, south and west sides of the existing dwelling. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

##### Variance #1 and #2 as requested pertains to driveway width:

As per Zoning By-law 0225-2007, the subject property is zoned R2-10 (Residential). Pursuant to Section 4.1.9.13 (Driveways and Parking) of the zoning by-law, lots that possess a lot frontage of 18.0m or greater, may increase a driveway width to 10.5m for that portion of the driveway that is within 6.0m of the garage face and which is providing direct vehicular access to the garage. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to allow for three vehicles to be parked side by side, with the remainder of lands being soft landscaping (front yard). Staff had concerns with the significant hardscaping presented in the initial application. Through discussions with the applicant's agent, the applicant has agreed to remove all asphalt throughout the backyard. This will result in a significant reduction of the overall hardscaping of the property. Furthermore, acknowledging that staff have no concerns regarding the proposed portico, staff finds the proposed driveway maintains the intent of the by-law.

##### Variance #3 as requested pertains to walkway attachment:

The intent of this portion of the bylaw is to provide a convenient and dedicated pathway to accommodate pedestrians as well as to define an entryway. It is to allow a hard-surfaced pathway from the driveway to the front entrance while ensuring that such an area cannot be utilized for parking purposes. The applicant has proposed a walkway of 3.54m whereas 1.5m is permitted under the by-law. Staff finds the proposed walkway to be excessively large however given the nature of the designed step it is not possible to accommodate vehicular access and

parking. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

Variance #4 as requested pertains to flat roofs:

Pursuant to Section 4.2.3.10 of the by-law, flat roofs are not permitted. The intent of the by-law is to reduce the overall massing of the dwelling and to minimize negative impacts on the streetscape and neighbouring properties. As the proposed roofs are located at the rear of the property they are screened by the main structure. Additionally the flat roofs do not require a height variance and do not create a significant amount of massing. While excessive in nature Staff are of the opinion that they do not impact the streetscape because the additions are at the rear of the dwelling, screened from view. As a result the proposed flat roofs additions do not affect the character of the Village Precinct of the Meadowvale Village Neighbourhood. Staff finds variance #4 to be generally in line with the intent and purpose of the by-law.

Variance #5 - #7 as requested pertain to accessory structures:

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory, while not presenting any massing concerns to neighbouring lots. The subject property possesses a lot area greater than 750m<sup>2</sup>, therefore the cumulative height and size of accessory structures is mitigated because of the size of the property. The existing detached storage and shed are located in the rear yard of the property. They are one-storey structures and maintain the required side yard setbacks. As such the accessory structures do not pose any massing concerns to the neighbouring properties and screened by existing vegetation. Variances #5 - #7 maintain the intent and purpose of the by-law.

The Planning and Building Department is currently processing a site plan approval application under file SPI 20-136. Based on review of the information currently available for this application, we advise that the following variance is required:

One (1) existing garage to remain and one (1) proposed garage (carport), whereas By-law 0225-2007, as amended, permits a maximum of one (1) garage in this instance;

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

While variances #1 and #2 result in an increased hardscaping of the front yard, the removal of the hardscaping in the rear yard has reduced the cumulative impact of the hardscaping originally proposed. Furthermore, the additional driveway width is required to provide access to the portico, as proposed. As such, Staff finds these variances represent orderly development of the lands, and are minor in nature.

Regarding variances #3 - #7, the proposed variances result in insignificant impacts to the adjacent properties. These variances will not adversely affect the character of the surrounding neighbourhood. As such Staff finds these variances represent the orderly development of the lands, and are minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. However, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, Planning Associate

## 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 additions will be addressed through the Building Permit and Site Plan Approval Process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

SP RECEIVED, MORE INFO

The Building Department is currently processing a site plan approval application under file SPI 20-136. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

2. Cannot be confirmed as we have yet to receive the requested revised plans that identify the requested dimensions

Additionally, a variance is required for the following:

-One (1) existing garage to remain and one (1) proposed garage (carport), whereas By-law 0225-2007, as amended, permits a maximum of one (1) garage in this instance;

Our comments are based on the plans received by Zoning staff on 03/15/2021 for the above captioned site plan 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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner