

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-13	File(s): A402.20 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-22 1:00 PM

## Consolidated Recommendation

The City has no objections to variance #5, however, recommend that the remaining variances be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
2. 1 garage and 1 carport whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
3. A front yard measured to a carport of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance;
4. A rectangular area measured from the inside face of walls for a carport of 2.75m x 5.20m (approx. 9.02ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance; and
5. A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance.

## Amendments

The Building Department is currently processing a SPI permit under file SPI 20-79. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The variance comment #5 would be deleted,

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- 5 A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance.

A new variance comment would be added as below;

5. A side yard measured to a second unit above a garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance;

## Background

**Property Address:** 2212 Shardawn Mews

### Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Greenlands, Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-8 - Residential

### Other Applications:

Site Plan Application: 20-79

### Site and Area Context

The subject property is located within the Erindale Neighbourhood Character Area, southwest of Mavis Road and Queensway West. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. Abutting the subject property to the rear is the Mississauga Golf and Country Club and the Credit River. The subject property contains an existing two storey dwelling with an attached garage in the front yard with mature vegetation.

The applicant is proposing a carport in the front yard, requiring variances related to the carport and the existing garage.



## 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, 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. The subject property is also located within Special Site 2 of the Erindale Neighbourhood Character Area. As per the policies of Special Site 2 (Section 16.9.2.2.2) of the MOP, specifically paragraphs 'a' and 'd', require the existing front yard setbacks be preserved and enhanced and garages be recessed or located behind the main face of the house. While the garage on site is an existing condition, the proposed new carport would be an additional structure in the front yard, closer to the street than any other structure in the immediate vicinity. Furthermore, the carport would be the only detached accessory structure in a front yard within the surrounding context. As such, staff are of the opinion that variances #1 & #3 do not maintain the general intent and purpose of the Official Plan.

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

Variances #1 & #3 relate to the carport's proposed location in the front yard. The intent of front yard setback provisions in the by-law are to ensure a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of each property in the neighbourhood. The proposed location of the carport represents a deviation from the established front yard character of the surrounding area. As staff does not support the location of the proposed carport, the remaining variances relating to the carport cannot be supported. Staff is therefore of the opinion that variances #1-4 do not maintain the general intent and purpose of the Zoning By-law.

Variance #5 represents an existing condition that is a minor deviation from the zoning by-law and will not have any additional undue impact from what is currently permitted. Furthermore, the setback is measured to a single pinch point near the front of the existing garage, with the majority of the structure complying with the required setback. As such, the proposed variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature.

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

The proposal is out of context with the existing character of the surrounding neighbourhood which would result in a negative impact to the established streetscape character. While visual buffering exists in the form of vegetation at this time, staff have concerns regarding potential future changes in landscaping, as well as the efficacy of the screening during winter months. As such, staff is of the opinion that variances #1-4 do not represent orderly development of the lands and are not minor in nature.

## **Conclusion**

The Planning and Building Department has no objections to variance #5, however, recommend that the remaining variances be refused.

Comments Prepared by: Alexander Davies, 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 and accessory structure are being addressed through the Site Plan Application process, File SP 20-79.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a SPI permit under file SPI 20-79. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The variance comment #5 would be **deleted**,

- 5 A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance.

A new variance comment would be **added** as below;

5. A side yard measured to a second unit above a garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance;

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo – Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

N/A

### Appendix 4 – Heritage

N/A

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## Appendix 5 – Region of Peel Comments

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within the above-mentioned designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

## Appendix 6- Conservation Authority Comments

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC staff have reviewed and provided clearance on a Site Plan application (SP 20/079) for the proposed development. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Comments Prepared by: Elizabeth Paudel, Junior Planner