

# City of Mississauga Department Comments

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| Date Finalized: 2021-09-14                | File(s): A258.20                      |
| To: Committee of Adjustment               | Ward: 1                               |
| From: Committee of Adjustment Coordinator | Meeting date:2021-09-23<br>1:00:00 PM |

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the existing alterations to the house proposing:

1. A side yard measured to the first floor of 1.17m (approx. 3.84ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first floor of 1.20m (approx. 3.94ft) in this instance;
2. A side yard measured to the second floor of 1.17m (approx. 3.84ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second floor of 1.81m (approx. 5.94ft) in this instance;
3. A setback measured from a driveway to a side lot line of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback measured from a driveway to a side lot line of 0.60m (approx. 1.97ft) in this instance;
4. An encroachment of a covered porch inclusive of stairs of 3.60m (approx. 11.81ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of a covered porch inclusive of stairs of 1.60m (approx. 5.25ft) in this instance;
5. A hammerhead and parking within the rear yard with a measurement of 8.80m (approx. 28.87ft) x 5.23m (approx. 17.16ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead and parking within the rear yard with a measurement of 3.00m (approx. 9.84ft) x 2.60m (approx. 8.53ft) in this instance;
6. Stairs to facilitate a below grade entrance in the front yard whereas By-law 0225-2007, as amended, does not permit Stairs to facilitate a below grade entrance in the front yard in this instance;
7. A pedestrian entrance facing a street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in this instance;
8. A garage height of 3.68m (approx. 12.07ft) whereas By-law 0225-2007, as amended, permits a maximum of 3.00m (approx. 9.84ft) in this instance;
9. A height of an accessory structure of 3.68m (approx. 12.07ft) whereas By-law 0225-

2007, as amended, permits a maximum of 3.50m (approx. 11.48ft) in this instance;

10. A garage height measured to the eaves of 3.17m (approx. 10.40ft) whereas By-law 0225-2008, as amended, permits a maximum garage height measured to the eaves of 3.00m (approx. 9.84ft) in this instance; and

11. An accessory structure of 35.01sq.m (approx. 376.84sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 20.00sq.m (approx. 215.28sq.ft) in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, Staff would note variance #3 is not required and should be removed.

The Building Department is currently processing a building permit application under file BP 9ALT 20-856. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

- A Hammerhead proposed on a lot with a lot frontage of 14.57m whereas By-law 0225-2008, as amended indicates, a hammerhead shall only be permitted on a lot with a lot frontage greater than or equal to 15.0m, in this instance;
- Storage rooms proposed within the detached garage, whereas By-law 0225-2007, as amended does not identify storage rooms as a permitted use within a garage, in this instance;

## Background

**Property Address:** 1041 Haig Boulevard

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

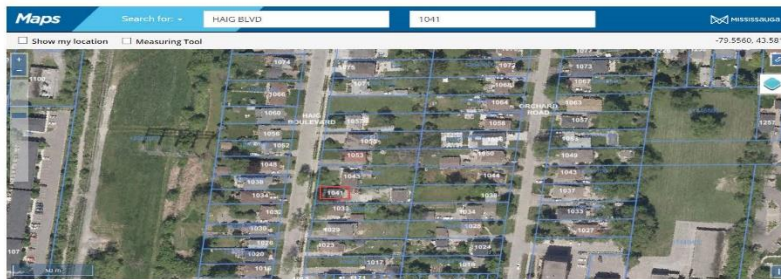
**Zoning:** R3-75 - Residential

**Other Applications:** Building Permit BP 9ALT 17-5442

## Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Haig Boulevard. The immediate neighbourhood consists mainly of one and two storey residential dwellings along Haig Boulevard. South of the subject property are commercial uses that front onto Lakeshore Road East. The subject property contains an existing two storey dwelling with a detached garage located in the rear yard.

The application appears to be proposing a triplex use along with variances that relate to existing conditions.



## 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 II" in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Lakeview Neighbourhood Character Area are contained within the Lakeview Local Area Plan and are within the Creekside boundary of the South Residential Neighbourhood Precinct. The applicant appears to be proposing a triplex use, which is a permitted use within the official plan. From a streetscape perspective, the dwelling represents a common detached dwelling form, which is consistent throughout the immediate area. Staff is of the opinion that the proposal meets the general intent and purpose of the official plan.

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

The Committee previously deferred this application on September 1<sup>st</sup>, 2020. Staff recommended refusal of variances to permit a triplex use (Variance #6), excessive dimensions of a hammerhead (Variance #5) and a deficient setback measured from a driveway to a side lot line (Variance #3). Staff had no objection to the remaining variances (Variances #1, 2, 4, 7-12).

The applicant has revised their proposal by removing the triplex use, setback variances and proposing new dimensions for the hammerhead driveway. The remaining variances from the original proposal have not changed.

Staff's concerns with the revised application are as follows. Variance #5 proposes a hammerhead driveway and parking area within the rear yard with a dimension of 8.80m (Approx. 28.87ft) x 5.23m (Approx. 17.16 ft), when a maximum hammerhead driveway and parking area permitted in the rear yard is 3.00m (Approx. 9.84ft) x 2.60m (8.53 ft.) . The intent of a hammerhead driveway is to facilitate a turnaround on a property and is not to be used for parking purposes. In this proposal, the applicant has proposed two parking spaces on the hammerhead.

While the variance respecting the triplex use was removed from the initial proposal, staff is of the opinion that the applicant is still proposing to use the property for a triplex use. Staff also believes the additional parking spaces proposed on the hammerhead are intended to accommodate the parking needs of proposed triplex. In addition to the driveways concerns, the R3 zone only permits a maximum of one dwelling unit on a lot. The applicant is proposing three kitchens in the dwelling, suggesting that the applicant is intending on more than one dwelling unit. The applicant would have to amend the proposed variances to include a variance to address the additional kitchens.

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

The application proposes variances that appear to accommodate a triplex dwelling, which is not permitted in the R3-75 zone. Furthermore, it appears that the proposed use of the proposed hammerhead driveway is to accommodate parking for the property and not its intended use of a turnaround. As such, staff cannot support these requested variances. Regarding the remaining variances, the application represents existing conditions that do not result in any adverse impact to the character streetscape and maintain the context of the surrounding neighbourhood. Staff is of the opinion that a triplex use and variance #5 do not represent orderly development of the lands and is not minor in nature. As such, Planning Staff recommends refusal of the application.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed rear addition will be addressed under Building Permit Application BP-17/5442.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9ALT 20-856. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

- A Hammerhead proposed on a lot with a lot frontage of 14.57m whereas By-law 0225-2008, as amended indicates, a hammerhead shall only be permitted on a lot with a lot frontage greater than or equal to 15.0m, in this instance;
- Storage rooms proposed within the detached garage, whereas By-law 0225-2007, as amended does not identify storage rooms as a permitted use within a garage, in this instance;

We note that all other variances are correct as identified.

Our comments are based on the plans received by Zoning staff on 02/09/2021 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