

City of Mississauga Department Comments

Date Finalized: 2021-10-19	File(s): A304.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

Consolidated Recommendation

The City has no objection to variances #1, #2, however, recommends that variances #3 and 4 be refused.

Application Details

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

1. A front yard measured to a second floor of 4.39m (approx. 14.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a second floor of 6.00m (approx. 19.69ft) in this instance; and
2. Two kitchens whereas By-law 0225-2007, as amended, permits a maximum of one kitchen in this instance;
3. A driveway width of 13.43m (approx. 44.06 ft.) whereas Zoning By-law 0225-2007, as amended, permits a maximum driveway width of 7.62m (approx. 25 ft.) in this instance; and,
4. A setback of a driveway to a side lot line of 0.0m whereas Zoning By-law 0225-2007, as amended, requires a setback of a driveway to a side lot line of 0.61m (approx. 2 ft.) in this instance.

Background

Property Address: 6 Wesley Crescent

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

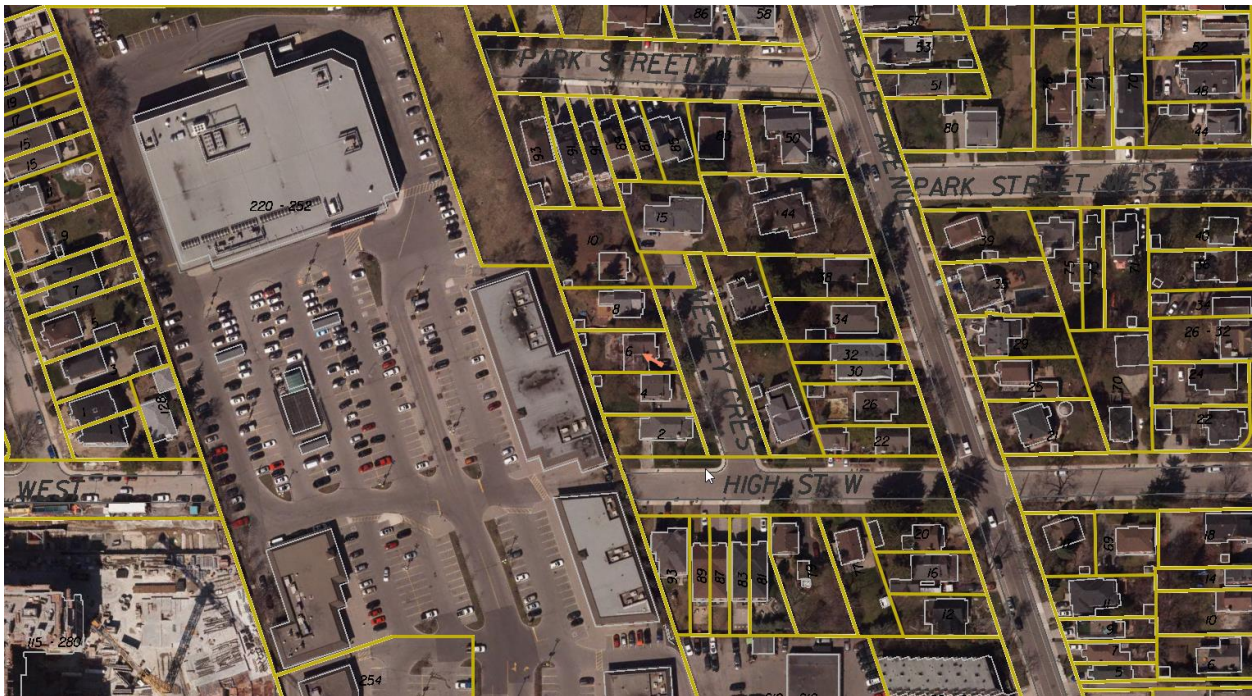
Zoning By-law 0225-2007

Zoning: RM7-5 - Residential

Other Applications: Building Permit – PREAPP 21-7899**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood (West) Character Area, northwest of the Mississauga Road and Lakeshore Road West intersection. The immediate neighbourhood is an eclectic mix of residential housing consisting of newer two storey semi-detached dwellings and older two storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing two storey dwelling with mature vegetation in both the front and rear yards.

The applicant is proposing to construct an addition onto the existing house requiring variances related to the front yard, additional kitchen and driveway.

**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, duplex and triplex 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 proposed addition respects the designated land use and maintains the general intent and purpose of the MOP.

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

Variance #1 as requested pertains to a deficient front yard setback. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The new second storey addition will be constructed on top of the first storey on the existing foundation. As a result, the addition will not pose any further impact on the neighbouring properties from what currently exists today. The front yard setback is generally in line with the neighbouring dwellings, presenting a consistent streetscape. Planning Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 as requested pertains to a second kitchen: The intent of limiting the number of kitchens is to regulate the number dwelling units within a dwelling. With no additional units being proposed, Staff have no concerns with the additional kitchen. Staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #3 and #4 as requested pertain to the existing driveway width and setback to lot line. The intent of the maximum driveway width requirement in the zoning by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being utilized for soft landscaping (front yard). The intent of the driveway setback requirement in the zoning by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. The Applicant's proposal results in a driveway large enough to accommodate at least three vehicles. A majority of the front yard contains paving and interlock, which may also require an additional minor variance. Furthermore, the Applicant has not provided a driveway setback to ensure a visual buffer is provided between the abutting properties, and no drainage infrastructure has been accommodated. Variances #3 and #4, do not meet the purpose or general intent of the Zoning By-law.

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

Staff find that any potential impact from the proposed decrease to the front yard and second kitchen are negligible, however Staff are of the opinion that the existing driveway is not minor and is undesirable as it covers nearly the entire front yard. Furthermore, the applicant has provided a 0m setback between the lot line and the driveway, which is not adequate and may result in drainage issues. Staff are also of the opinion that an additional variance may be required to address the lack of soft landscaping in the front yard.

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 will be addressed through the required future Rezoning and Site Plan Application process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-7899. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner