

City of Mississauga Department Comments

Date Finalized: 2021-11-02	File(s): A427.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to variance 1, however recommends that variance 2 be refused. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. An interior side yard setback of 0.60m (approx. 1.97ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and
2. A setback measured from a lot line to a driveway of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback measure from a lot line to a driveway of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 2581 Rugby Road

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: BP 9ALT 21-7051

Site and Area Context

The subject property is located south-west of the Dundas Street West and Confederation Parkway intersection in the Cooksville neighbourhood. It currently contains a two storey detached dwelling with a detached garage and limited landscaping/vegetation elements in both the front and rear yards. The surrounding context includes a variety of built forms and uses, including low rise residential, high rise residential, and commercial.

The applicant is proposing to maintain the existing detached garage and driveway on the property requiring variances for a side yard setbacks for both the garage and the 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 located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation 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. Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. The area contains multiple examples of detached garages located in close proximity to side property lines. Regarding the setback to the driveway, driveways along the property line and attached driveways are not characteristic of the area. Staff are therefore of the opinion that variance 1 maintains the general intent and purpose of the Official Plan whereas variance 2 does not.

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

Variance 1 requests a reduced side yard measured to the detached garage. The intent of side yard provisions are to ensure that: there is an appropriate buffer between structures on properties, maintenance can be performed on the structures, and adequate drainage can be provided. Staff are satisfied that the existing setback is appropriate for the subject property and that Transportation and Works has not noted any drainage concerns. Staff are satisfied that variance 1 maintains the general intent and purpose of the Zoning By-law.

Variance 2 requests a 0 metre setback to the driveway. The intent of this portion of the 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. While the existing fence provides a form of visual separation the fence could be removed in the future, removing any form of visual separation whatsoever. Furthermore potential drainage concerns remain as noted by Transportation and Works. Staff are therefore of the opinion that variance 2 does not maintain the general intent and purpose of the Zoning By-law.

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

Planning staff have no objections to variance 1 and are of the opinion that the impacts of the variances for the structure will be minor in nature and that it represents appropriate development of the subject lands. Variance 2, however, in the opinion of staff, is not minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

With regards to Variance #1 we would have no objections to allowing a 0.60M minimum interior side yard setback provided that the existing garage is to remain or alternatively if any new construction will be utilizing the existing foundations.

With regards to Variance #2, we do not support the requested 0.0M side yard setback measured from the lot line to the driveway. When reviewing requests for an increased hard surface area where a grassy permeable surface should be provided, we are concerned with the additional hard surface treatment as it essentially increases the flow of water into the municipal storm sewer system. Lots are designed to typically retain some rain water through infiltration of water into permeable surfaces such as grass. The bylaw requirement of 0.60M setback to the driveway maintains a permeable grassed swale that will allow for some infiltration of water as it runs towards the street.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7051, based on review of the information currently available in this permit application, the variances, as requested are correct.

More information is required for the height of the detached garage from established grade; applicant requires providing the established grade calculation to verify the height of the detached garage.

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