

City of Mississauga Department Comments

Date Finalized: 2021-12-22	File(s): A5.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant request the Committee to approve a minor variance to allow the construction of a garage proposing:

1. An interior side yard setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. A rear yard setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance; and,
3. A garage height of 5.25m (approx. 17.22ft) measured to the highest ridge whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m (approx. 15.09ft) measured to the highest ridge 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 #1 and 2 should be amended as follows:

1. An interior side yard setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. A rear yard setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance; and,

Recommended Conditions and Terms

Should the committee see merit in this application, we ask that the garage be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent lands.

Background

Property Address: 1041 Stockwell Avenue

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Other Applications: Preliminary Zoning Review Application – PREAPP 21 7341

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Lorne Park Road and Lakeshore Road West. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one and a half storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a detached garage requiring variances related to height and side yard setbacks for an accessory garage and height.



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 site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by 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. Detached garages are generally common in the immediate neighbourhood; Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

The applicant requests the Committee to approve a minor variance to allow the construction of a detached garage with an interior side yard setback of 0.20m (0.66ft) and a rear yard setback of 0.30m (approx. 0.98ft) where a minimum interior and rear yard setback of 1.20m (3.94ft) is

required, and, a garage height of 5.25m (17.22ft) measured to the highest ridge, where a maximum garage height of 4.60m (15.09ft) measured to the highest ridge is permitted.

The intent of the zoning by-law is to ensure that a detached garage is sufficiently setback from neighbouring lots, allow for ongoing building maintenance and to ensure that the structure does not negatively impact property drainage. Transportation and Works staff have requested the above condition be added to mitigate drainage concerns. With respect to Variances #1 and 2, staff are of the opinion that the proposed setbacks do not provide an adequate buffer from the side and rear lot lines. Furthermore, the proposed setbacks would not provide sufficient space to allow for building maintenance along the northerly and westerly walls of the proposed garage. The application submitted did not include elevation plans, as a result staff are unable to accurately determine any potential impact as a result of permitting an increase in overall height and therefore cannot comment on variance #3.

Staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The proposed setbacks do not provide an adequate buffer from the lot lines thereby baring the ability properly maintain the proposed garage. This is an undesirable development of the land, and one whose effects are not minor in nature.

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 garage will be addressed through the future Building Permit Application process. We ask that the garage be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent lands.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-7341. Based on review of the information currently available in this permit application, we advise variances #1 and #2 as requested are correct based on last review of this Preliminary Zoning Review application, however more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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 – Heritage

The property is listed on the City's Heritage Register as it forms part of the Lorne Park Estates Cultural Landscape. For more information on the Cultural Landscape Inventory, see: http://www5.mississauga.ca/pdfs/Cultural_Landscape_Inventory_Jan05.pdf. As such a heritage property application is required to demolish. The application form is available here: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It must be accompanied by an accepted Heritage Impact Assessment. The terms of reference are available at https://www7.mississauga.ca/documents/culture/heritage/CulturalLandscapeHIA_TermsOfRef2017.pdf. More comments may be forthcoming. There is a 60 day waiting period to demolish once the Heritage Impact application has been accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst