

City of Mississauga Department Comments

Date Finalized: 2022-02-02	File(s): A31.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-10 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure (shed) and a driveway proposing:

1. A driveway width of 7.5m (approx. 24.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway length of 6.0m (approx. 19.7ft) in this instance; and,
2. An accessory structure area of 26.27sq.m (approx. 282.77sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28ft) in this instance.

Background

Property Address: 1181 Ostler Court

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

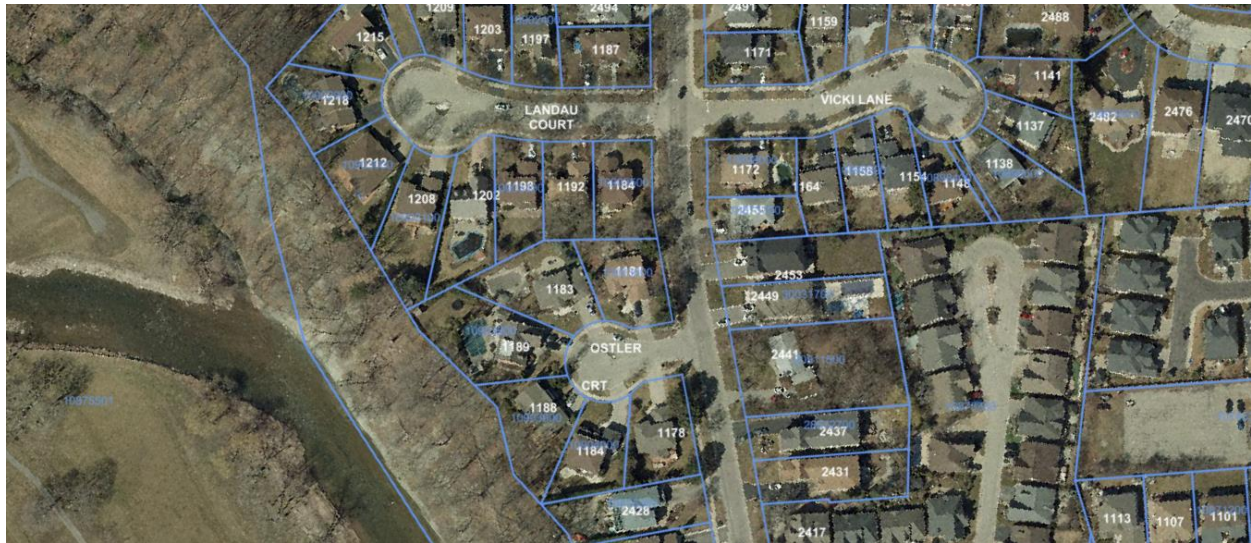
Zoning: R2 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the north-west corner of the Ostler Court and Old Carriage Road intersection in the Erindale neighbourhood. It currently contains a 2-storey detached dwelling with an attached garage and mature vegetation in the front and exterior side yards. The property has a lot area of 906.59m² (9,758ft²). The surrounding area context is exclusively residential, consisting of detached homes on lots of various sizes.

The applicant is proposing to modify the driveway and construct an accessory structure requiring variances for driveway width and floor area.



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:

The subject property is located in the Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. 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 intent of the portion of the By-law limiting driveway widths is to permit a driveway large enough to suitably accommodate two vehicles parked side-by-side, with the remainder of lands being soft landscaping. A 7.5m (24.6ft) wide driveway presents the potential for 3 vehicles to be parked across the driveway, which would not maintain the general intent and purpose of the Zoning By-law. Furthermore the proposed driveway would be out of character of the surrounding context, which consists of moderately sized driveways.

Regarding the proposed accessory structure, the intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. While Planning staff do not have any objections to the requested size of the structure, based on the drawings it appears that additional variances for height and exterior side yard setback may be required. Staff are unable to comment on these additional variances until the extent of the required variances can be confirmed.

Given the above, staff recommend that the application be deferred in order to allow the applicant to redesign the proposed driveway and confirm the necessary variances for the accessory structure.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot, this department foresees no drainage related concerns with the location of the proposed accessory structure.

With regards to Variance #1, this department notes that with regard to the widened driveway (cannot confirm at this time if driveway widened due to snow cover) within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

We also advise that a Building Permit is required for the proposed Accessory Structure.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner