

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): A69.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 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 construction of two additions proposing:

1. An addition to the existing dwelling with a Residential use whereas By-law 0225-2007, as amended, does not permit a Residential use in this instance;
2. A front yard setback of 4.5m (approx. 14.8ft) to the addition whereas By-law 0225-2007, as amended, permits a maximum front yard setback of 3.0m (approx. 9.8ft) in this instance;
3. An exterior yard setback of 4.5m (approx. 14.8ft) to the dwelling whereas By-law 0225-2007, as amended, permits a maximum exterior side yard setback of 3.0m (approx. 9.8ft) in this instance;
4. A minimum landscape buffer of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance;
5. To permit 100% of the front street wall to be used to access residential uses located above the first storey, whereas By-law 0225-2007, as amended, permits a maximum of 25% of the building street wall on the first storey to be used to access residential uses located above the first storey in this instance;
6. To permit 100% of the proposed addition street wall setback beyond the maximum front and exterior side yard setback, whereas By-law 0225-2007, as amended, permits a maximum of 30% of the street wall to be setback beyond the maximum front and maximum exterior side yard setback in this instance; and,
7. An addition to the existing barn with a Residential use whereas By-law 0225-2007, as amended, does not permit a Residential use in this instance.

Amendments

The following variance(s) should be amended as follows:

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2. A front yard setback of 4.5m (approx. 14.8ft) to the proposed barn addition whereas By-law 0225-2007, as amended, requires a maximum front yard setback of 3.0m (approx. 9.8ft) in this instance;

7. An addition to the existing barn with a Residential use whereas By-law 0225-2007, as amended, does not permit a barn nor a Residential use in this instance.

Background

Property Address: 2581 Mindemoya Road

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-34 - Commercial

Other Applications: PREAPP 21-8724

Site and Area Context

The subject property is located on the south side of Dundas Street West, between Mindemoya Road and Jarvis Street. It is a triangular property with a lot area of +/- 1,356.93m² (14,605.9ft²) and contains mature vegetation throughout the property. Currently the property has a detached dwelling, a detached garage, and a barn. The surrounding area context consists of a mix of detached dwellings, open space, and commercial/community uses.

The applicant is proposing additions to all 3 structures on the property, requiring variances for the residential use, setbacks, landscape buffer, and the street wall.



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 Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). While this designation usually permits a variety of commercial uses, the property is subject to Special Site 1 provision 16.9.2.1.2 which limits permitted commercial uses and prohibits restaurant uses. This is in line with the property's C4-34 zoning, which only permits office, medical office, community hall, place of religious assembly, and public or private school uses, in addition to a dwelling unit only above the first storey.

The applicant is proposing a fully residential use of the subject property, and given the existing built form this triggers all of the requested variances due to the Commercial regulations to which the property is subject. Had the property been zoned Residential, none of the currently requested variances would have been required.

Planning staff are of the opinion that both the Official Plan and Zoning By-law intend for the subject property to transition to a commercial use in line with the C4-34 zoning. The considerable

expansion of the solely residential use cannot be considered to be meeting the intent of the Zoning By-law or Official Plan. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, 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 additions will be addressed through the Building Permit and Site Plan Application process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-8724. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

2. A front yard setback of 4.5m (approx. 14.8ft) to the proposed barn addition whereas By-law 0225-2007, as amended, requires a maximum front yard setback of 3.0m (approx. 9.8ft) in this instance;

7. An addition to the existing barn with a Residential use whereas By-law 0225-2007, as amended, does not permit a barn nor a Residential use in this instance.

In addition, we note that further information is required to determine the accuracy of variance 4.

Lastly, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 09/28/2021 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: Adam McCormack, Zoning Examiner

Appendix 4 – Heritage

The property is listed on the City's Heritage Register as it forms part of Erindale Village Residential Neighbourhood. As such a Heritage Impact Assessment is required. The terms of reference are available at

https://www7.mississauga.ca/documents/culture/heritage/CulturalLandscapeHIA_TermsOfRef2017.pdf. This application should be deferred until the HIA has been submitted.

Comments Prepared by: Andrew Douglas, Heritage Analyst