

City of Mississauga Department Comments

Date Finalized: 2022-02-16	File(s): A114.22 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-24 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 an existing carport with:

1. A lot coverage of 49.6% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. A side yard setback to the carport of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.9ft) in this instance;
3. A side yard setback to the rear porch of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
4. A side yard setback to the eaves of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.75m (approx. 2.46ft) in this instance; and,
5. A carport enclosure of 78.5% whereas By-law 0225-2007, as amended, permits a maximum carport enclosure of 60.0% in this instance.

Background

Property Address: 3438 Bannerhill Ave

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 - Residential

Other Applications: BP 9ALT 21-6541

Site and Area Context

The subject property is located north-east of the Bloor Street and Havenwood Drive intersection in the Applewood neighbourhood. It currently contains a semi-detached dwelling with a lot frontage of +/- 9.52m (31.2ft) and a lot area of +/- 348.06m² (3,746.5ft²). Limited landscaping and vegetation elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of a mix of detached, semi-detached, townhouse and apartment dwellings.

The applicant is proposing to legalize the existing carport and rear canopy requiring variances for lot coverage, setbacks, and carport enclosure.



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 Applewood Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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. While carports are characteristic of dwellings in the surrounding context, generally they provide appropriate setbacks to the property line.

The general intent of side yard setback requirements in the Zoning By-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage patterns can be provided, and that access to the rear yard ultimately remains unencumbered. While access to the rear yard remains unencumbered as the rear of the carport is open to the covered porch, staff are of the opinion that a 0 metre setback does not provide an appropriate buffer. Based on the drawings and a site visit by staff, it appears that the combined structure and eaves may cross the property line onto abutting properties, which is a condition staff are unable to support. Furthermore, Transportation and Works staff have noted drainage concerns regarding this condition.

Planning staff are of the opinion that the carport and covered porch are not compatible with the surrounding context or existing site conditions, and therefore do not maintain the general intent and purpose of the Official Plan. Furthermore they do not maintain the general intent and purpose of the By-law. It is the opinion of staff that the application is neither minor in nature, nor does it represent appropriate development of the subject property. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are a number of photos which depict the constructed carport, rear porch addition, and accessory structure in the rear yard (not included in the variances requested, however encroaches into a bell easement and appears not comply with zoning setbacks). From the photos, it is evident that the hard surface area has been significantly increased on this property. The topography of this lot is such that all the drainage from the carport and rear porch is directed towards the rear yard. We checked the Grading Plan approved for the Forest Glen Subdivision (Road Grades & Lot Elevations Plan C-6824 dated Dec 1963) and note that for this lot the drainage was designed to be directed to the rear yard and then towards the abutting lot to the east (#3432 Bannerhill Ave.).

With regards to the accessory structure in the rear yard, we note that it has been constructed within the limits of what we believe is a Bell Canada Easement. It should also be noted that variances may be required as from our site inspection we noted that the structure was constructed abutting both the side and rear yard fence with no setbacks. With regards to the encroachment within an easement, the owner will be required to relocate the structure or alternatively obtain the approvals from the appropriate utility company for the encroachment.

According to the Grading Plan reviewed, the accessory structure may also be impeding drainage from the abutting property to the west (3440 Bannerhill Ave.) as drainage from this property was designed to be directed across the subject property and be directed to the east.

In view of the above noted concerns, we would request that the application be deferred pending additional information being provided, the accessory structure possible variances be addressed and perhaps some feedback from the abutting property owners would be provided which would assist in identifying any significant drainage concerns. The applicant in the resubmission for the next hearing should also consider the removal of some of the roof structure(s) to lessen the drainage runoff from this property.







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 21-6541. Based on review of the information currently available in this permit application, variances # 2, 3 and 4, as requested are correct.

More information is required in order to determine the accuracy of variances # 1 and 5.

Furthermore, an additional minor variance may be required for the reduced setbacks of the existing accessory structure located in the rear yard, whereas a minimum setback of 0.61 to any lot line in the rear yard is 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: Brandon Eidner, Zoning Examiner