

# City of Mississauga Department Comments

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| Date Finalized: 2022-06-08                | File(s): A181.22                      |
| To: Committee of Adjustment               | Ward: 1                               |
| From: Committee of Adjustment Coordinator | Meeting date:2022-06-16<br>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 an existing accessory structure and garage with:

1. An accessory structure height of 3.77m (approx. 12.37ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
2. A combined area of accessory structures of 49.3sq.m (approx. 530.66sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance;
3. An accessory structure floor area of 34.3sq.m (approx. 369.20sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
4. A door below the Regulatory Flood Level identified by Credit Valley Conservation whereas By-law 0225-2007, as amended, does not permit a door below the Regulatory Flood Level identified by the Conservation Authority having jurisdiction (Credit Valley Conservation) in this instance;
5. A setback to the railway right-of-way of 25.6m (approx. 84.0ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.0m (approx. 98.43ft) in this instance;
6. An interior side yard setback of 0.0m to the accessory structure whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.6m (approx. 2.0ft) to an accessory structure in this instance;
7. A building depth of 20.20m (approx. 65.68ft) whereas By-law 0225-007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance; and,
8. A side yard setback of 0.0m to the garage whereas By-law 0225-007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.0ft) to a garage in this instance;
9. An interior garage length of 4.62m (approx. 15.16ft) whereas By-law 0225-007, as

amended, requires a minimum interior garage length of 6.00m (approx. 19.69ft) in this instance;

10. An unobstructed garage area of 2.80m x 4.62m x 1.87m (approx. 9.19ft x 15.16ft x 6.14ft) whereas By-law 0225-007, as amended, requires a minimum unobstructed garage area of 2.75m x 5.20m x 2.00m (approx. 9.02ft x 17.06ft x 6.56ft) in this instance;

11. A setback of 0.0m to the driveway whereas By-law 0225-007, as amended, requires a minimum setback of 0.60m (approx. 2.00ft) to a driveway in this instance; and,

12. A driveway width of 5.8m (approx. 19.03ft) whereas By-law 0225-007, as amended, permits a maximum driveway width of 5.2m (approx. 17.06ft) in this instance.

## Background

**Property Address:** 1110 Claredale Rd

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

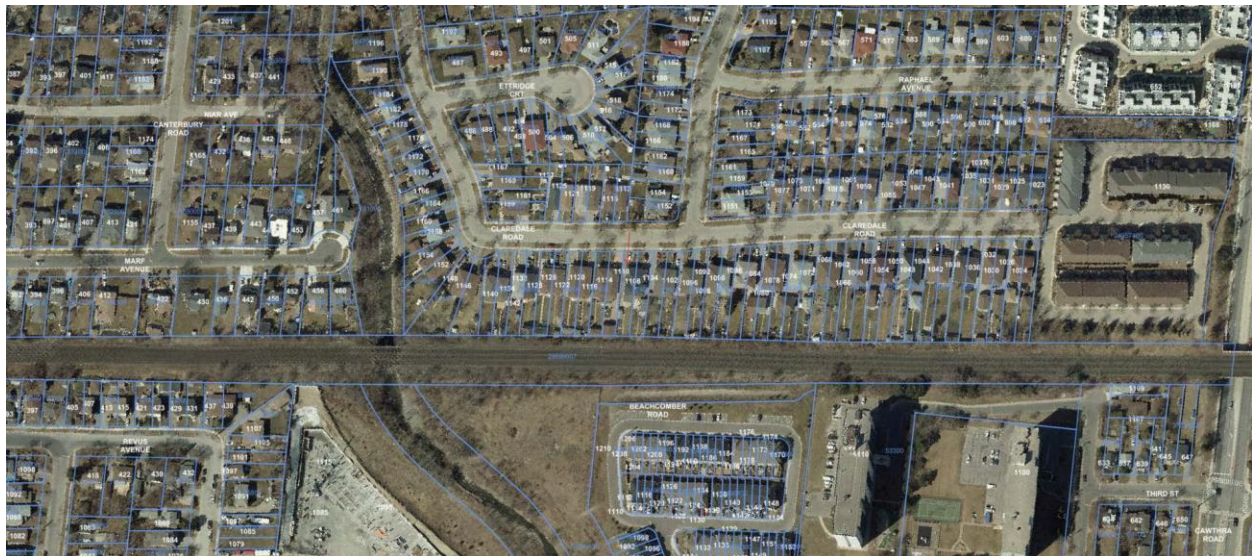
**Zoning:** RM1-26 - Residential

**Other Applications:** Building Permit under file BP 21-7547

### Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southwest of Atwater Avenue and Northaven Drive. The immediate neighbourhood contains a mix of housing types, including older and newer one and two-storey detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains a one and a half storey semi-detached dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to the driveway width and setback, garage and accessory structure's height area as well as setbacks and dwelling depth.



## 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 are as follows:

The above noted application was previously deferred on April 21<sup>st</sup>. The applicant requested deferral, as discussions with Zoning staff identified additional variances required to support the proposal.

The subject property is designated Residential Low Density Schedule II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits semi-detached dwellings.

Staff previously evaluated the variances and had no concerns with variances #1-6. Staff have reviewed variances #7-12 with Transportation and Works and Zoning staff and have identified concerns with variance #8. Variance #8 is for a side yard setback of 0m to the garage where a minimum side yard setback of 0.61m (2ft) is required. The proposed side yard setback does not provide any buffer between the garage and the easterly lot line and creates a concern with the ability to perform maintenance on the structure. Staff note that in discussions with Transportation & Works, Transportation and Works staff would normally recommend that an eaves trough be installed on the west side of the garage. However, given the proximity of the accessory structure to the easterly lot line, staff are of the opinion that an eaves trough will encroach onto the neighbouring property to the west.

As such, Planning staff cannot support the proposal and recommend that the application be deferred to allow the applicant an opportunity to address staff's concerns with respect to the side yard setback.

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Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department advises that we cannot support variance #8 of 0.0m setback to the existing garage. As you will see from our attached picture, the garage has a sloped roof that sheds the rooftop drainage onto the neighbouring property. Typically we would ask the applicant to install an eaves trough and downspout. In this instance we cannot as the eaves and down spout will be encroaching onto the neighbouring property. The garage would need to be relocated or alternatively, the roof be redesigned to not have a sloped roof draining to the neighbouring property.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file 21-7547. Based on review of the information currently available in this permit application, the variances, as requested are correct, except variance#12, we are unable to confirm the accuracy of the information provided for the driveway width, as more information 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: Sherri Takaloo, Zoning Examiner

### **Appendix 3 – Metrolinx Comments**

Metrolinx is in receipt of the minor variance application for 1110 Claredale Road to allow an existing accessory structure and garage. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1110 Claredale Road, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator, Third Party Projects Review