

# City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A114.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## 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 0.05m (approx. 0.16ft) 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 0.15m (approx. 0.49ft) 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 +/- 348.06m<sup>2</sup> (3,746.5ft<sup>2</sup>). 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 modify 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:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

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.

Carports are characteristic of the surrounding context, and the applicant has worked with staff to provide a setback from the property line while allowing sufficient space for the parking of a vehicle. In regards to the carport, staff are now satisfied that the general intent and purpose of the official plan are maintained.

In regards to the 0 metre setback for the rear covered porch, staff find that this is uncharacteristic of the area and is not appropriate for the site. Staff are therefore of the opinion that variance 3 does not maintain the general intent and purpose of the official plan.

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

Variance 1 relates to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit massing impacts on abutting properties. Planning staff are of the opinion that the carport and rear porch do not add significant massing to the dwelling as they are limited in height and generally open. It is the opinion of staff that the proposal does not represent an overdevelopment of the lot.

Variances 2 & 4 relate to the setback to the carport and the eaves. 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, and staff note that the roof structure has been pushed back from the posts to push the massing away from the property line. Staff have no objections to the revised carport design.

Variance 3 relates to the setback 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 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.

Variance 5 requests an increase to the percentage of the carport enclosed. Staff note that the carport is not more significantly enclosed when compared to other carports in the area and are of the opinion that the carport enclosure percentage is appropriate in this instance.

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Given the above, Planning staff are of the opinion that variances 1, 2, 4 & 5 maintain the general intent and purpose of the zoning bylaw, however variance 3 does not.

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

Planning staff are of the opinion that variances 1, 2, 4 & 5 are minor in nature and represent appropriate development of the subject property. They will not negatively impact abutting properties or the streetscape. Planning staff are of the opinion, however, that variance 3 does not represent desirable development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are some recent photos of the subject property. In our previous comments we indicated that it was evident that the hard surface area has been significantly increased on this property. We noted that 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 noted 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.).

According to the Grading Plan reviewed, we also noted that the accessory structure located in the rear yard 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. We are not aware of any drainage related concerns expressed from 3440 Bannerhill Avenue.

Our previous comments also suggested that the application be deferred pending some feedback being provided from the abutting property owners to assist in identifying any significant drainage concerns. We are not aware of any objections from the immediate neighbours, specifically 3440 and 3432 Bannerhill Avenue. In addition, the applicant previously submitted a letter to the Committee (dated February 25, 2021) signed by the neighbours (including the two abutting neighbours) indicating no objections.

On our recent site inspection we also observed and note that abutting the rear fence of the subject and abutting properties there is an open undeveloped area, almost like a laneway or servicing corridor, possibly related to the existing easement (see photos depicting this area). This open undeveloped area also assists in accommodating some of the drainage in the area. In view of the above, and should Committee see merit in the request we have no further comments.

















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. We advise that no new information have been received from the applicant after the last review and comments provided.

Previous Comments:

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: Maria Fernandez, Zoning Examiner