

# City of Mississauga Department Comments

Date Finalized: 2022-02-23	File(s): A43.22 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-03 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 an accessory structure (carport) proposing:

1. A lot coverage of 35.30% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A side yard setback (westerly) of 0.0m to the carport whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.9ft) in this instance; and,
3. A side yard setback (westerly) of 0.00m to the carport eaves whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.75m (approx. 2.46ft) in this instance.

## Background

**Property Address:** 1637 Glen Rutley Circle

### Mississauga Official Plan

Character Area: Applewood Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

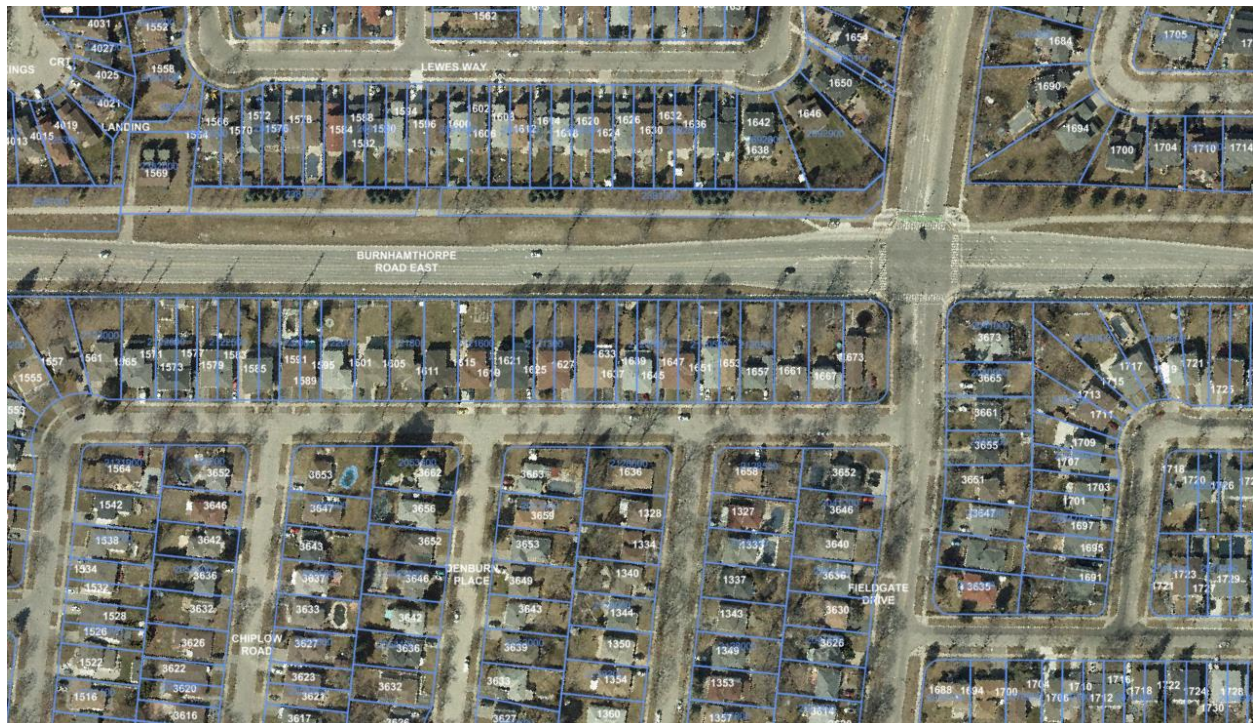
**Zoning:** RM1 - Residential

**Other Applications:** BP 9ALT 21-5325

## Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road East and Fieldgate Drive intersection in the Applewood neighbourhood. It has a frontage of +/- 9.14m (30ft) and currently contains a semi-detached dwelling and accessory sheds in the rear yard. 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 and semi-detached dwellings.

The applicant is proposing an accessory structure (carport) requiring variances for lot coverage and side yard setbacks.



## 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). The Residential Low Density II designation permits detached, semi-detached, and duplex dwellings.

Variances 2 and 3 request 0 metre side yard setbacks. The intent of the side yard setback is to ensure that: an adequate buffer exists between the massing of structures on adjoining properties, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be maintained. The proposed carport does not restrict access to the rear yard beyond the existing condition. Additionally, Transportation and Works staff have not raised any drainage concerns. Staff have conducted a review of the surrounding context and note that while there are few examples of carports in the vicinity, these examples all share a common roof with the principle dwelling and provide an appropriate side yard setback. Staff are of the opinion that the current proposal does not provide an adequate buffer from the abutting property and therefore does not maintain the general intent and purpose of the Zoning By-law.

In addition to the above comments, Zoning staff note that the accessory structures in the rear yard may not meet zoning requirements with regard to side and rear setbacks. Planning staff are unable to comment on these setbacks as they have not been indicated on the Site Plan. The applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing to legalize the existing setbacks should they not comply.

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 accessory structure (carport) will be addressed through the Building Permit Process. From our site inspection, we do not foresee any drainage related concerns with the addition provided that the carport is equipped with an eavetrough and downspout located such that drainage is directed towards Glen Rutley Circle and not the abutting 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 21-5325. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Zoning staff notes that additional instances of non-compliance (e.g. minimum required side and rear setbacks: 0.61m) may be present with the two existing accessory structures within the rear yard.

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: Brian Bonner, Supervisor