

City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A540.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve minor variances to maintain the existing recreational vehicle (RV) in the rear yard proposing:

1. A recreational vehicle length of 9.27m (approx. 30.41ft) whereas by-law 0225-2007, as amended, permits a maximum recreational vehicle length of 7m (approx. 22.96ft) in this instance; and,
2. A recreational vehicle height of 3.14m (approx. 10.30ft) whereas by-law 0225-2007, as amended, permits a maximum recreational vehicle height of 3m (approx. 9.84ft) in this instance.

Amendments:

While Planning staff is not in a position to provide an interpretation of the zoning by-law, should the Committee see merit in the applicant's request, Planning staff note that an additional variance should be added as follows:

3. A recreational vehicle with an interior side yard setback of 0.77m (approx. 2.53ft) whereas by-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.94ft) in this instance.

Background

Property Address: 2680 Council Ring Road

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

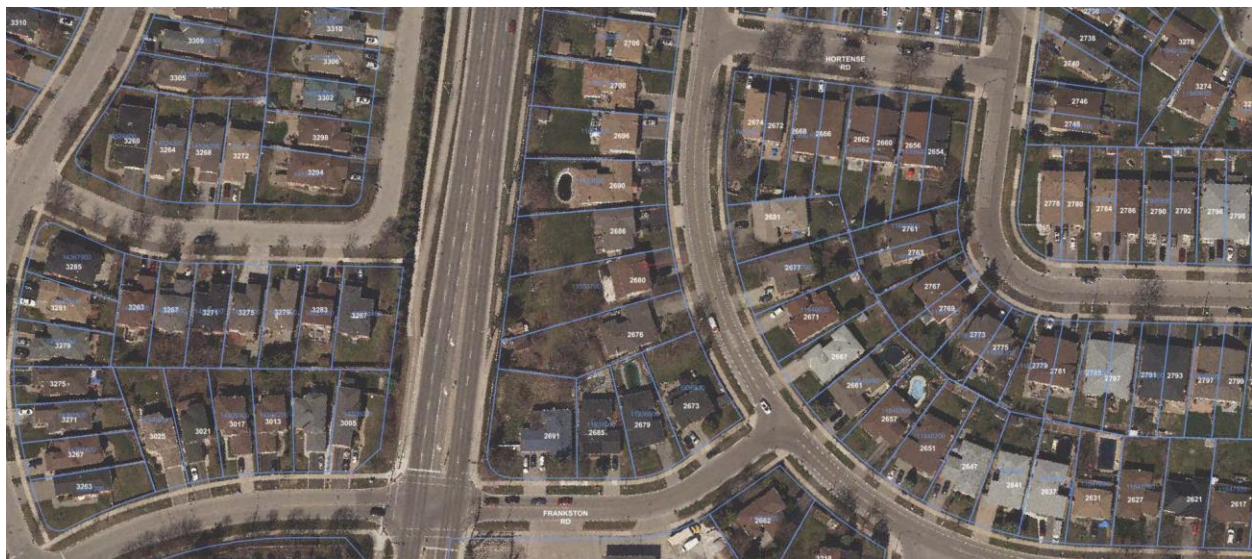
Zoning: R3-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Area, north of the Winston Churchill Boulevard and Dundas Street West intersection. The immediate neighbourhood is residential consisting of a mix of one and two-storey detached dwellings on lots with some mature vegetation in both the front and rear yards. Commercial uses are present south of the subject property along Winston Churchill Boulevard and Dundas Street West. The subject property contains a two-storey detached dwelling with mature vegetation in the front and rear yards.

The applicant is proposing parking of a recreational vehicle requiring variances for recreational vehicle height and length.



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 subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

The applicant is requesting minor variances to allow a recreational vehicle (RV) with increased dimensions to be located in the rear yard of the subject property.

Staff note that RV's are permitted to be located in rear yards; however, staff are of the opinion that the proposed RV's will create significant massing concerns. Furthermore, movement of the RV on and off the subject property presents physical and legal challenges.

The rear of the subject property abuts Winston Churchill Boulevard. Staff have discussed the proposal with Transportation and Works (T&W) staff who note that an existing pre-cast concrete acoustical fence is located along the westerly rear property line, which was constructed by the City in 2018. Prior its construction, a wooden fence was present for acoustical purposes. Staff are of the opinion that the RV was moved onto the subject property when the wooden fence was present.

Due to the weight of the existing precast fence and insufficient side yard setbacks, the applicant would require a mobile crane to move the RV on and off the subject property. The applicant would also require permission from the City to cross an existing 0.3m city-owned reserve. The applicant has not provided proof that they have obtained permission from the City to cross the reserve and/or remove a portion of the fence. Since the RV is immobile, it will operate as an accessory structure.

The RV requires variances for reduced side yard setback, vehicle length and height. The combination of these variances exacerbate the massing impact of the structure. Staff are of the opinion that the requested side yard setback is insufficient and that the length of the RV is excessive, inappropriate and undesirable. T&W staff have also informed Planning staff that the RV's height appears to be inaccurate. Therefore, staff cannot accurately evaluate the applicant's request. Lastly, the applicant has not proposed any screening measures to conceal the massing of the RV from the adjacent property to the north.

As such, Planning staff are of the opinion that the application should be refused as the proposal does not meet the requirements set out under 45(1) of the *Planning Act* and will pose legal challenges.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information you will find a photo of the recreational vehicle parked in the rear yard. For Committees information, we have no concern with the requested minor variances; however, we do have a concern with how the RV might be removed from the rear yard of the subject property in the future.

The rear of this lot backs onto Winston Churchill Boulevard which is under City ownership. There is also an existing 0.3m reserve that runs along the east side of the right of way (See attached sketch of Plan M-24, Block 'N', 1' Reserve). Currently, there is an existing pre-cast concrete acoustical fence (newly re-constructed by The City in 2018) that runs along the east limit of Winston Churchill Boulevard and there is no opening or gate allowing the recreational vehicle to be removed from the rear yard. As the pre-cast noise fence is a City asset and cannot be removed, it would appear that the only way to remove the recreational vehicle from the rear yard would be by mobile crane as there is no room to access the rear yard with such a large vehicle down the side yards from Council Ring Road.





PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE LAND TITLES ACT AND THE REGULATIONS



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

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Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner