

# City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A774.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 3:30:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a detached garage proposing:

1. A driveway width of 2.57m (approx. 8.43ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
2. An interior side yard setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.60m (approx. 1.97ft) in this instance;
3. An accessory structure height to the highest ridge of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
4. An accessory structure area of 13.37sq m (approx. 143.91sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance; and,
5. A walkway attachment width to the driveway of 2.03m (approx. 6.66ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

## Recommended Conditions

Transportation and Works staff request that the right side of the garage is to be equipped with an eaves trough and down spout directed in such a manor to not impact the neighbouring lot.

## Background

**Property Address:** 11 Oakwood Ave S

### Mississauga Official Plan

**Character Area:** Port Credit Neighbourhood (East)

**Designation:** Residential Low density I

### Zoning By-law 0225-2007

**Zoning:** R15-8 - Residential

**Other Applications:** BP 9NEW 22-4161, BP 9ALT 22-846

### Site and Area Context

The subject property is located southwest of the Lakeshore Road East and Cumberland Drive intersection in Port Credit. The surrounding area context is exclusively residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front and side yards.

The applicant is proposing a detached garage requiring variances related to driveway and walkway width, interior side yard setback to driveway, accessory structure height and area.



## 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 Committee deferred the above noted application on March 23<sup>rd</sup>, 2023, to allow the applicant an opportunity to address staffs concerns with respect to inaccurate and inconsistent information provided by the applicant.

Following discussions with Zoning and Planning staff, the applicant has submitted a revised list of variances and drawings. The previous 2.25m (7.38ft) driveway width variance was inaccurately calculated. As such, the applicant has revised the driveway width variance to 2.57m (8.43ft). Staff also note that additional variances for accessory structure area and a walkway attachment width have been added to the application.

Staff is of the opinion that variance #1 is minor and negligible. With respect to variance #2, staff rarely support 0m setback variances, however, the applicant has confirmed with Transportation and Works staff that the proposed setback is acceptable given the grading of the property. Furthermore, Planning staff note that 0m driveway setbacks are commonly found in the immediate neighbourhood. Planning staff have no concerns with variance #5 as it is not visible from the streetscape and is not wide enough to park a vehicle.

Variances #3 and 4 pertain to an accessory structure. Staff are of the opinion that these variances are technical in nature, as the accessory structure is a garage porch. The porch appears as an extension of the detached garage as it maintains the same height, width, and setbacks as the detached garage. If the porch were an extension of the garage, no variances would be required for the increased garage area or lot coverage. The porch is primarily open, therefore it does not pose massing concerns.

As such, the applicant has satisfied concerns identified in the first submission. Staff's opinion that the applicant's revised proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, 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 garage are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-22/4161. We also mention that the right side of the garage is to be equipped with an eaves trough and down spout directed in such a manor to not impact the neighbouring lot.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9NEW 22-4161. Based on review of the information currently available in this application, the variances, as requested are correct.

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

### Appendix 3 – Metrolinx

#### 11 Oakwood Ave S

Metrolinx is in receipt of the minor variance application for 11 Oakwood Ave S to facilitate the construction of a detached garage and an accessory structure. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised the following:
  - **Warning:** The Applicant is advised that the subject land is 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 subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

#### **Appendix 4- Region of Peel**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner