

City of Mississauga Department Comments

Date Finalized: 2023-08-11	REVISED	File(s): A239.23 Ward: 2
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2023-08-17 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 accessory structures and a driveway proposing:

1. An accessory building/structure area for the garage of 66.20sq m (approx. 712.57sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building/structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. An accessory building/structure area for the cabana of 78.80sq m (approx. 848.20sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building/structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. An accessory building/structure area for the covered porch of 47.30sq m (approx. 509.13sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building/structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
4. A combined area occupied by all accessory buildings/structures of 192.30sq m (approx. 2069.90sq ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of 60.00sq m (approx. 645.84sq ft) in this instance;
5. A lot coverage for all combined accessory buildings/structures of 5.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 5% in this instance;
6. A height of 6.09m (approx. 19.98ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
7. A driveway width of 10.37m (approx. 34.02ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
8. A width of a walkway attached to a driveway of 3.16m (approx. 10.37ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and,
9. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance.

Background

Property Address: 1324 Tecumseh Park Dr

Mississauga Official Plan

Character Area: Clarkson - Lorne Park NHD

Designation: Residential Low Density I

Zoning By-law 0225-2007

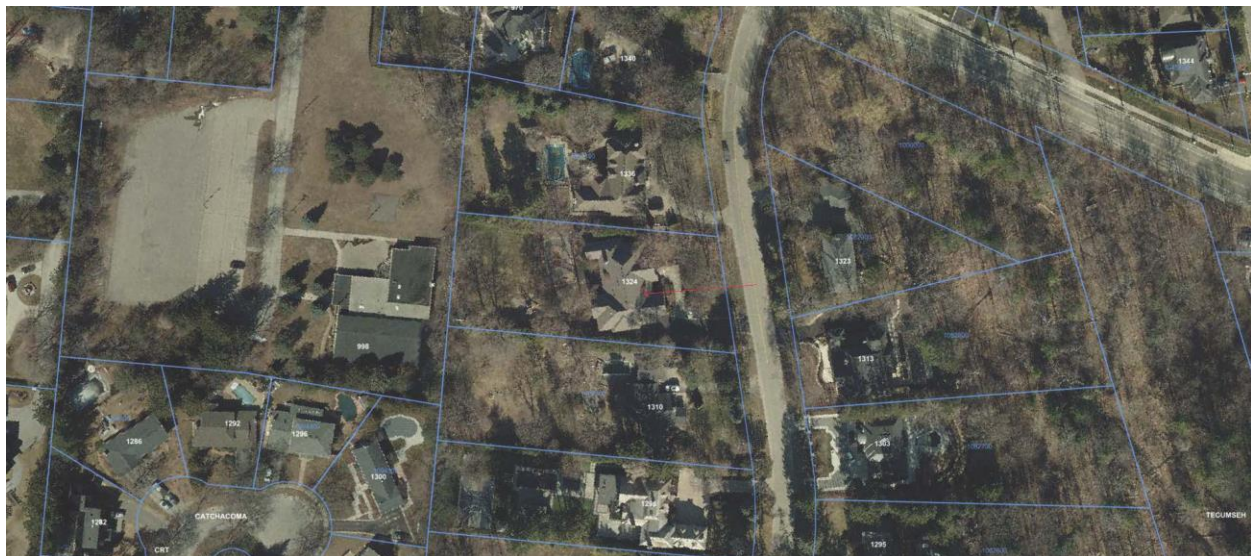
Zoning: R1-2 - Residential

Other Applications: BP 9ALT 23-5368

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of the Tecumseh Park Drive and Indian Road intersection. The immediate neighbourhood is residential, consisting primarily of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The application is proposing an accessory structure requiring variances related to accessory structure area, combined area, lot coverage, height, driveway width, walkway attachment width and number of garages.



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 located in the Clarkson - Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached and duplex dwellings.

The application proposes the construction of a new detached garage, cabana, covered patio and driveway extension on the subject property. Staff note that the applicant refers to the detached garage, cabana and the covered patio as accessory structures.

Variances #1–6 pertain to accessory structures. The intent of accessory structure regulations within the zoning by-law is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to neighbouring lots.

Planning staff note concerns with the accessory structures proposed. Planning staff are unable to evaluate the variances in their current state as it is unknown as to whether the structure containing the garage and covered patio should be considered a “garage” or an “accessory structure”. With the by-law containing separate regulations for detached garages and accessory structures, staff are unable to evaluate variances #1-6 and #9.

Furthermore, variance #3 refers to a “covered porch”, however, based on the information provided on the plans and in the planning justification report, the variance appears to be for a “new covered patio”. Staff are unclear on the variance being sought.

Although Planning staff are unable to accurately evaluate variances # 1-6, staff are of the opinion that the proposed height, combined area and lot coverage appear excessive, and would pose massing concerns and represent an overdevelopment of the property. Once the applicant confirms the accuracy of the requested variances with zoning staff, it is recommended that the applicant discuss the proposal with planning staff.

Staff note that variance #7 appears to be incorrect and no driveway width dimension of 10.37m is shown on the applicant’s drawings. This variance is unclear. The Planning Justification Report suggests that the driveway width variance is for a driveway extension in rear yard of the property only, with no changes proposed to the driveway located in the front yard. However, staff note that the circular driveway proposed is new and not existing. Furthermore, the applicant is proposing a new driveway to facilitate access to a double car garage located in the rear yard. It is unclear how this driveway will be accessed as the driveway in the front yard tapers as you move deeper into the lot and then expands again at the rear wall of the dwelling. Staff note that the drawings do not provide the dimension of the narrowest width of the driveway to the lot line at the south-east corner of the dwelling necessary to provide access to the garage in the rear yard.

Staff therefore recommend that the application be deferred in order to allow the applicant to confirm the accuracy of the requested variances with zoning staff. Once the variances have been accurately identified, staff recommend that the applicant discuss the proposal with Planning staff to determine whether the proposal can be supported.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the property are being addressed by our Development Construction Section through the Building Permit process BP9 ALT-23/5368.









Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 23-5368. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be 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

Appendix 3- Region of Peel Comments

Minor Variance: A-23-239M / 1324 Tecumseh Park Drive

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayoola Ayooluwa, Junior Planner

Appendix 4– CVC Comments

Although our online mapping indicates that the subject site at 1324 Tecumseh Park Drive in Mississauga is regulated by CVC, we have had a chance to review and the subject property is not located within CVC's Regulated Area. As such, a CVC permit is not required for development on this property and we do not need to review and comment on the proposed Minor Variance application.

Comments Prepared by: Stuti Bhatt, Junior Planner