

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A275.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 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 an addition proposing:

1. A driveway width of 9.18m (approx. 30.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
3. A detached garage projection of 12.93m (approx. 42.42ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage projection of 0.00m in this instance; and,
4. A detached garage area of 242.04sq m (approx. 2605.30sq ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage area of 75.00sq m (approx. 807.30sq ft) in this instance.

Amendments

Based on review of the information currently available in permit application PREAPP 21-5842, zoning staff advise that the variances should be amended as follows:

1. A driveway width of 9.18m (approx. 30.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance;
2. A front yard setback of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
3. An interior side yard setback of 2.37m (approx. 7.78ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;

4. An interior side yard setback of 1.10m (approx. 3.61ft) measured to stairs and retaining walls whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) measured to stairs and retaining walls in this instance;
5. A combined width of side yards of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.75m (approx. 18.86ft) in this instance;
6. A dwelling unit depth of 35.55m (approx. 116.63ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.0m (approx. 65.62ft) in this instance;
7. An attached garage with an attachment area to the dwelling below grade whereas By-law 0225-2007, as amended, required a minimum area of attachment of a dwelling and attached garage above grade of 5m in length and 2m in height in this instance;
8. A garage projection of 20.02m (approx. 65.68ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance; and,
9. A floor area of 242.04sq m (approx. 2605.30sq ft) for attached garage whereas By-law 0225-2007, as amended, permits a maximum floor area of 75.00sq m (approx. 807.29sq ft) in this instance.

Background

Property Address: 1266 Minaki Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

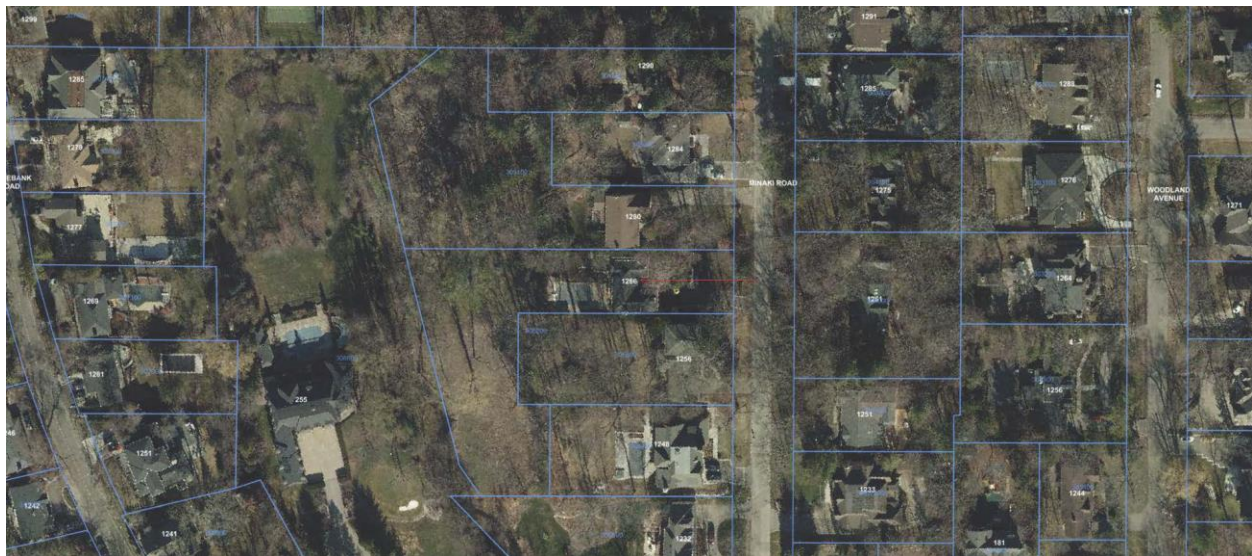
Zoning: R2-5- Residential

Other Applications: PREAPP 21-5842

Site and Area Context

The subject property is located within the Mineola Neighbourhood, southeast of Stavebank Road and Mineola Road West. The neighbourhood is entirely residential consisting of newer and older one and two storey detached dwellings on large lots with mature vegetation. The subject property is a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a below grade attached garage requiring variances for garage projection, garage floor area, dwelling depth, front yard setback, side yard setbacks, combined side yard width and driveway width.



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 site is located within the Mineola Neighbourhood Character Area, and is designated Residential Low Density I and Greenlands by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings.

The applicant is requesting a number of variances for a below grade attached garage located in the front yard. The proposed garage appears to be detached above grade with a car lift that connects to the below grade garage that is connected to dwelling. Staff are of the opinion that though technically an attached garage, the impact of the proposed structure would be that of a detached garage. The intent of the zoning by-law in limiting detached garages in the front yard is to ensure that the garage does not become the dominating feature of the dwelling and that visual integrity of the streetscape be maintained. Staff note that the zoning by-law does not

permit detached garages in the front yard in any residential zones. Staff cannot support the applicant's proposal as the garage would become the focal point of the front yard and would create a negative precedence for future development. Furthermore, it is staff's opinion that the proposal is not compatible with the neighbouring context and negatively impacts the streetscape.

Given the above, Planning staff recommend that the application be deferred in order to allow the applicant to redesign the proposal and address staff concerns.

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 proposed addition and detached garage will be addressed by our Development Construction Section through the future Building Permit process.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-5842. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

10. A driveway width of 9.18m (approx. 30.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance;
11. A front yard setback of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
12. An interior side yard setback of 2.37m (approx. 7.78ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;

13. An interior side yard setback of 1.10m (approx. 3.61ft) measured to stairs and retaining walls whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) measured to stairs and retaining walls in this instance;
14. A combined width of side yards of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.75m (approx. 18.86ft) in this instance;
15. A dwelling unit depth of 35.55m (approx. 116.63ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.0m (approx. 65.62ft) in this instance;
16. An attached garage with an attachment area to the dwelling below grade whereas By-law 0225-2007, as amended, required a minimum area of attachment of a dwelling and attached garage above grade of 5m in length and 2m in height in this instance;
17. A garage projection of 20.02m (approx. 65.68ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance; and,
18. A floor area of 242.04sq m (approx. 2605.30sq ft) for attached garage whereas By-law 0225-2007, as amended, permits a maximum floor area of 75.00sq m (approx. 807.29sq ft) in this instance.

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: Alana Zheng, Planner Zoning Examination

Appendix 3 – Region of Peel

Minor Variance Application: A-23-275M – 1266 Minaki Road

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Area (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. While the Region recognizes the proposed addition is outside the CVC regulated area on the subject property, we request that 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.
- The subject land is also located within a Core Woodland of the Greenlands System in Peel as identified under policy 2.14.12 of the Regional Official Plan. Development and

site alteration are prohibited in Core Areas of the Greenlands System, with the exception of ROP policy 2.14.15, which is subject to policy 2.14.16. While the Region recognizes the proposed addition is outside the Core Area on the subject property, the applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or the City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP policy 2.14. 17).

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4 – CVC Comments

Re: CVC File No. A23/275
Municipality File No. A275.23
Kevin and Kristie McDonald
1266 Minaki Road
Lot 5, Range 1 CIR
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the property is partially regulated due to flood hazard associated with Kenolli Creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve the following minor variances:

1. To allow for a driveway width of 9.18m, whereas the By-Law allows a maximum driveway width of 6m.
2. To allow for a front yard setback of 5m, whereas the By-Law allows a minimum front yard setback of 9m.
3. To allow for a detached garage projection of 12.93m, whereas the By-law allows a maximum detached garage projection of 0m.
4. To allow for a detached garage area of 242.04 sq m, whereas the By-Law allows a maximum detached garage area of 75 sq m.

COMMENTS:

CVC staff have reviewed the minor variance application and have **no concerns and no objection** to the approval of this minor variance by the Committee at this time. The property is still regulated by CVC and the applicant is advised to get a CVC permit for the proposed works.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should contact CVC to make this payment at their earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner