

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A366.23
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure, driveway, pool and landscaping proposing:

1. An eave encroachment for the shed of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires an eaves encroachment of 0.75m (approx. 2.46ft) in this instance;
2. An interior side yard setback to the shed of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;
3. A hard surface setback of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
4. A rear yard setback to hard surface of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
5. A driveway width of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
6. A driveway width attachment of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width attachment of 1.50m (approx. 4.92ft) in this instance; and,
7. A lot coverage of 37.08% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Amendments

The Building Department is currently processing an application under file BP 9ALT 22-4545. Based on review of the information currently available in this application, the variances # 2, 5 and 7, as requested are correct.

Also, we advise that these variances should be amended as follows:

1. An interior side yard setback to the eaves of the shed of 0.30m (approx. 0.98ft) whereas By law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves of 0.75m (approx. 2.46ft) in this instance;
3. Hard surface at the rear yard with a setback to the interior lot line of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
4. Hard surface at the rear yard with a setback to the rear lot line of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
6. A walkway on each side of the driveway with an attachment width of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits one walkway on each side of a driveway with a maximum attachment of 1.5 m (approx. 4.92ft) in this instance;
8. A centreline Setback to a deck of 20.35 m (approx. 66.76ft) whereas By-law 0225-2007, as amended, requires a minimum centreline setback to the nearest part of any building or structure of 25.5 m (approx. 83.66ft) in this instance;

Background

Property Address: 508 Cullen Ave

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3- Residential

Other Applications: BP 9ALT 22-4545

Site and Area Context

The subject property is located north-east of the Queensway West and Mavis Road intersection. It currently contains a two-storey detached dwelling with an attached garage. It is an interior lot with a frontage of +/- 15.72m (51.57ft) and a lot area of 751.33m² (8,087.24ft²). Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area is exclusively residential, consisting of detached and semi-detached dwellings on lots of generally similar sizes.

The applicant is proposing to legalize the existing hard surface, deck and driveway requiring variances for rear and side yard setbacks, driveway width, walkway attachments and centreline setback. Further, the applicant is proposing a new accessory structure requiring variances for side yard setback, eaves setback, and lot coverage.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Meadowvale Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other forms of low rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context and, the landscape of the character area. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 and 2 request a reduced side yard measured to the proposed shed and its corresponding eaves. Side yard regulations are intended to ensure there is a sufficient buffer between structures on abutting properties. Given the fact that the size and height of the shed comply with the zoning by-law, staff are satisfied that the reduced setback to the shed and eaves will not negatively impact the abutting property. Furthermore there is sufficient space for future maintenance of the shed.

Variances 3 and 4 request a reduced rear and side yard setback for the hard surface landscape material. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, unencumbered access to the rear yard is provided, and appropriate drainage patterns can be maintained. The portion of the hard surface landscaping material along both the side and rear lot line is uncovered, while full access within the rear yard is also maintained over these surfaces. Staff note that there is only a small portion of the hard surface landscaping material directly abutting the rear lot line, whereas the rest of the hard surface landscaping material along the rear lot line maintains the appropriate setback as per the zoning by-law.

Planning staff note that the Transportation & Works Department has raised no concerns surrounding drainage at this time.

Variance 5 relates to an increased driveway width. The planned character of the area is that of residential dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. Through site visits of the subject property, staff note the current state of the driveway does not match the drawings submitted as a part of this minor variance application. Staff are supportive of the driveway width delineated on the drawings, but will not support the driveway in its current condition. The driveway width as per the drawings will restrict the parking to no more than two vehicles across and maintains sufficient soft landscaping area to maintain the character of the surrounding area.

Variance 6 requests an increase in both the width and amount of walkway attachments on either side of the driveway. The intent of this regulation is to limit excessive hard surfaces within the yard and to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling. Furthermore, the walkway cannot be utilized for parking purposes. Staff are satisfied that the proposed walkways are appropriately sized for the subject property and agree the walkway cannot be utilized for the parking of a motor vehicle.

Variance 7 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. Upon review of the drawings, staff note the existing dwelling, covered porch, deck and proposed deck account for 35.1% of the total lot coverage. The proposed shed accounts for an additional lot coverage of 1.98% (14.86m²) resulting in a marginal overage of lot coverage. Further, the accessory structure does not exceed the height requirement of 3m (9.84ft) or the maximum lot coverage of 5% for all accessory structures combined as permitted in the zoning by-law.

Variance 8 requests a reduction in the centreline setback to the Queensway West. The intent of this portion of the by-law is to ensure that any proposed construction will not come at the expense of a potential road widening. Staff are satisfied that the proposal will not negatively impact any future planned road widenings.

Given the above, staff are of the opinion that the application maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion the proposal represents appropriate development of the subject property and that the impacts to both the streetscape and abutting properties will be minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are a number of photos depicting the subject property. From our site inspection and the attached photos it is evident that this property has a front to rear drainage pattern which means that drainage is directed towards the rear of the property. We note that to the rear there is a roadway, Queensway West, as opposed to a residential property. Our observations also indicate that the abutting residential properties have the same drainage pattern. In this regard with regards to Variance # 1 to 4 we have no drainage related concerns.

For Variance # 5 & 6 pertaining to the driveway width, we note that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9ALT 22-4545. Based on review of the information currently available in this application, the variances # 2, 5 and 7 , as requested are correct.

Also, we advise that these variances should be amended as follows:

1. An interior side yard setback to the eaves of the shed of 0.30m (approx. 0.98ft) whereas By law 0225-2007, as amended, requires a minimum interior side yard setback to the eaves of 0.75m (approx. 2.46ft) in this instance;
3. Hard surface at the rear yard with a setback to the interior lot line of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
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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

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner