

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A421.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 1:00:00 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. An accessory structure area of 74.68sq m (approx. 803.85sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. An accessory structure height of 4.60m (approx. 15.09ft) whereas By-law 0225-2007, as amended, a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance; and,
3. A driveway width of 11.17m (approx. 36.65ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

Background

Property Address: 772 Melton Drive

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

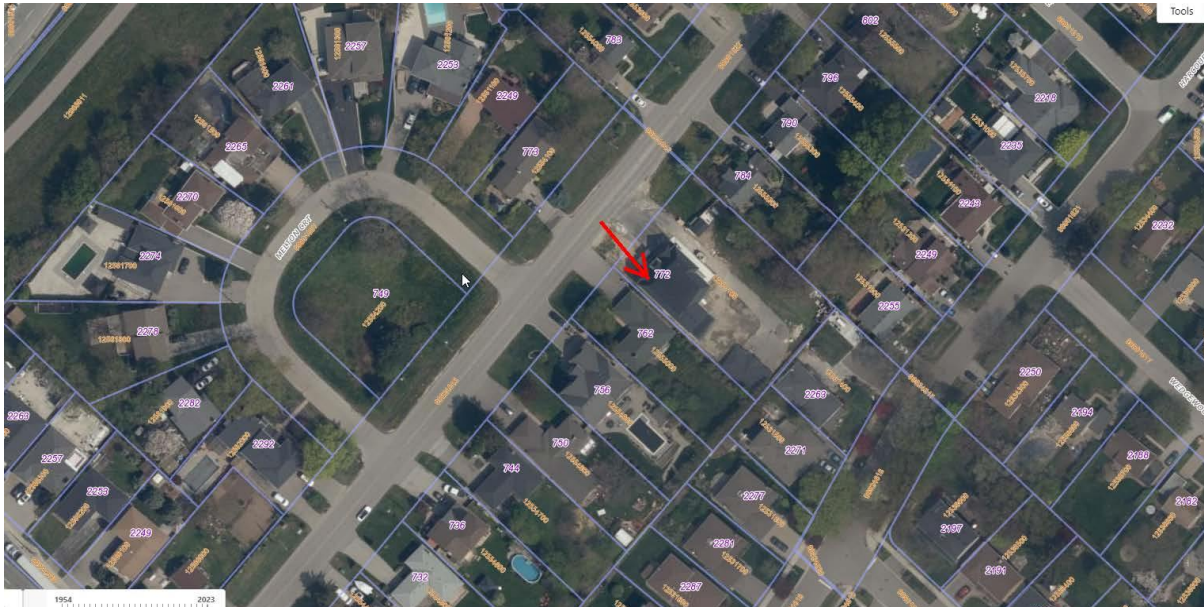
Zoning: R3-75- Residential

Other Applications: BP 23-7651.

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Queensway East. The neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property is the largest lot on Melton Drive with a lot frontage of 34.30m (112.53ft), containing a two-storey detached dwelling with no mature vegetation.

The application proposes a new accessory structure requiring variances for accessory structure height, area 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:

Planning staff note that the applicant is proposing to convert an existing detached garage into a detached Additional Residential Unit (ARU).

To implement recent legislative changes under the *Planning Act* mandating the permission of three units on a residential parcel, staff has proposed official plan and zoning by-law amendments that introduce and regulate Additional Residential Units (ARUs).

On October 23rd, 2023, the Planning and Development Committee endorsed these official plan and zoning by-law amendments. Staff note that variances #1 and 2 with respect to area and height would be permitted as of right under the proposed zoning by-law regulations. However, these regulations will require Council's passing of a by-law before coming into force and effect. Therefore, proposals for detached ARUs are subject to the current accessory structure regulations until the zoning by-law has been amended to include ARU regulations. Therefore the applicant is required to vary the current accessory structure regulations to permit the ARU.

Staff note that the conversion of the detached garage will not include any increases to its footprint or height. Variances #1 and 2 reflect the area and height of the existing detached garage to be converted. Therefore, the proposed use will not create any additional massing impacts to adjacent properties.

Variance #3 is required to permit an increased driveway width. Although Planning staff are of the opinion that this variance is numerically excessive, the increased width will not impact the streetscape as it is only required within 6m (19.69ft) of the ARU building's face and located behind the existing detached dwelling. The majority of the driveway is approximately 5.55m (18.21ft) to 6m (19.69ft) in width, which is significantly below the 8.5m (27.89ft) driveway width permitted.

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

Enclosed you will find pictures of the property. From our site inspection of the property and our review of the information submitted we are advising that we have a number of concerns with the applicant's request. The existing shed on a concrete pad and wood fencing are encroaching into the limits of an existing City of Mississauga easement identified as Instrument No. TT0175482. The easement was granted to The City of Mississauga (The Corporation of the Township of Toronto at the time) by the owner of the property Herbert Simpson in 1964. There is also a second easement in favour of the Region of Peel (Instrument No. TT01795483). I have attached two separate sketches illustrating the limits for both easements. The curved easement is in favour of The City of Mississauga, and the perpendicular one is in favour of The Region of Peel.

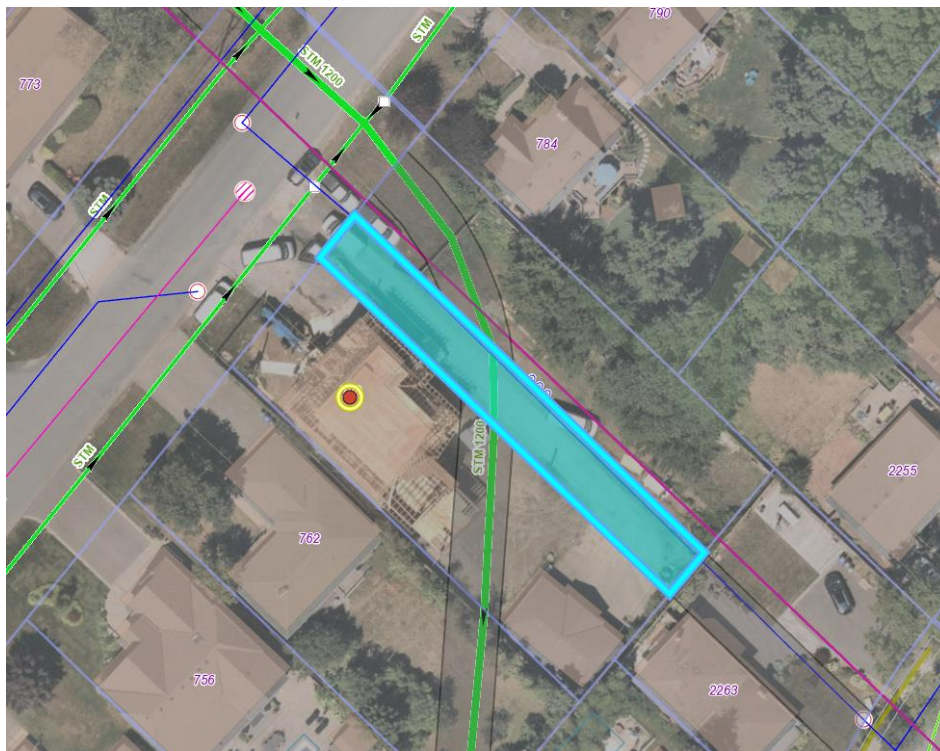
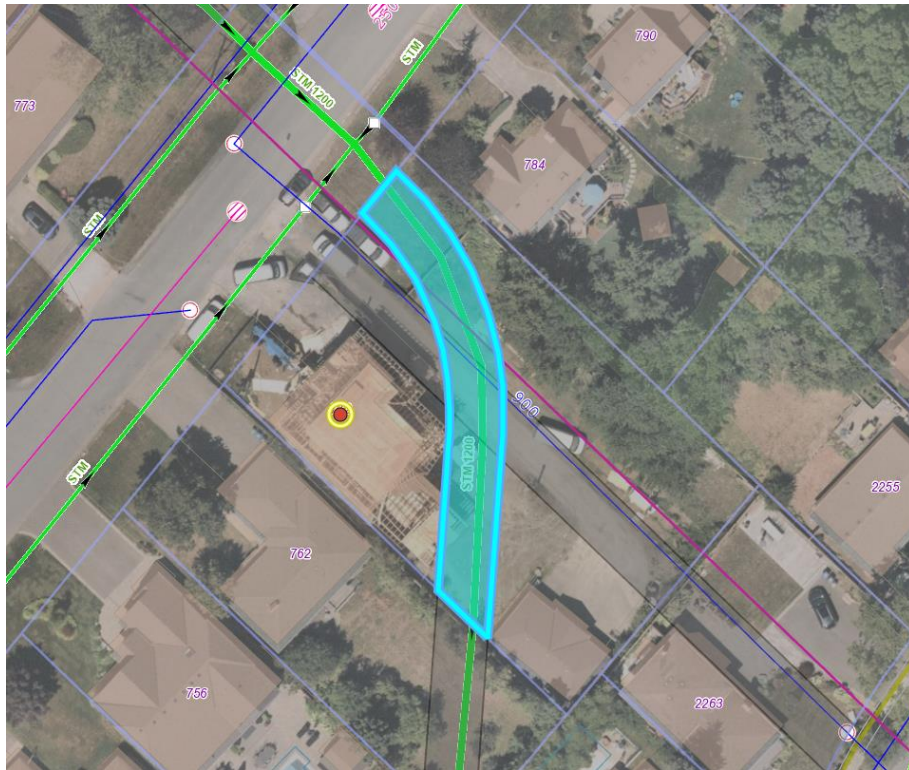
Both easement were taken in 1964 for the installation of 1200mm dia. storm sewer and a watermain.

We ask that the existing shed/concrete pad and wood fencing be removed from within the limits of the City easement.

We are assuming that the application has been circulated to The Region of Peel as they may have a concern regarding the pillars and gate within their watermain easement.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 23-7651. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 8/8/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack; Zoning Examiner

Appendix 3– Region of Peel**Minor Variance: A-23-421M / 772 Melton Drive**

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner