

# City of Mississauga Department Comments

Date Finalized: 2023-11-29	File(s): A453.23
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2023-12-07 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 the construction of an addition proposing:

1. A driveway width within six meters of the garage face of 14.02m (approx. 46.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within six meters of the garage face of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width of 11.28m (approx. 37.01ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
3. A front yard setback of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
4. An eave overhang encroachment of 6.75m (approx. 22.15ft) whereas By-law 0225-2007, as amended, permits an eave overhang encroachment of 8.55m (approx. 28.05ft) in this instance; and,
5. A garage area of 78.96sq m (approx. 849.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29sq ft) in this instance.

## Background

**Property Address:** 2462 Rosemary Drive

### Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

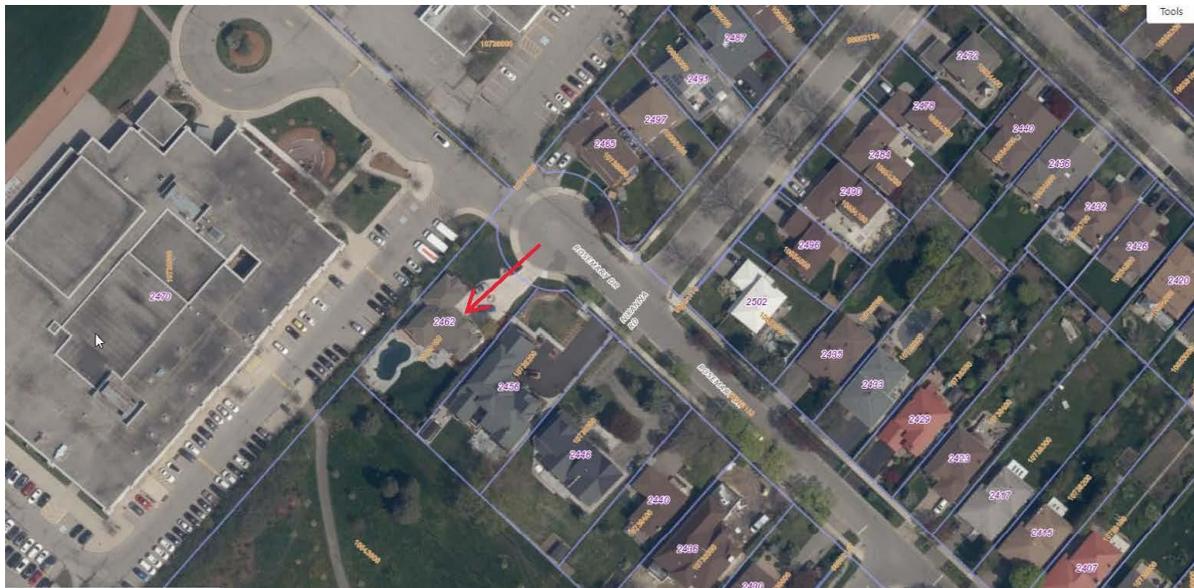
**Zoning:** R2- Residential

**Other Applications:** BP 9ALT 23-8134

### Site and Area Context

The subject property is located south-east of the Dundas Street West and Glengarry Road intersection in the Erindale Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards, with mature vegetation located along the north side property line. The subject property has a lot area of +/- 1,387.49m<sup>2</sup> (+/-14,934.81ft<sup>2</sup>) and is one of the largest lots in the surrounding area. The surrounding context is predominantly residential, consisting of two-storey detached homes on varying lot sizes. St. Martin Secondary School directly abuts the subject property to the north and Avongate Park directly abuts the subject property to the west.

The applicant is proposing to construct an addition to the existing attached garage requiring variances for driveway width, front yard setback, eaves encroachment and garage 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:

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

The subject property is located in the Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation only permits detached dwellings. 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 driveway width and garage size do not impact the property's permitted use and are compatible with existing site conditions and the surrounding context. The proposal therefore maintains the general intent and purpose of the official plan.

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

Variations 1 and 2 request an increased driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping and amenity area. Staff note that due to the frontage of the property and the proposed 4 car garage, the applicant is permitted a maximum width of 10.5m (34.4ft) within 6m (19.7ft) of the garage face, and 8.5m (27.9ft) beyond that. The applicant's proposed driveway is 5.5m (18.04ft) at the street and quickly expands to 11.28m (37ft) once it crosses the front property line. Due to the proposed 4 car side access garage, an additional variance is required for a driveway width of 14.02m (45.99ft) within 6m (19.7ft) of the garage face, thereby requiring the driveway width to be measured perpendicular to the direction of travel. This measurement is not representative of the actual driveway width. The proposed increase is for the portion of hardscaping immediately in front of the garage and is appropriate to serve for access and egress to and from the garage. Staff are of the opinion that both of the areas of increased width do not negatively impact the front yard amenity area and maintains appropriate soft landscaping in the front yard.

Variations 3 and 4 requests a reduced front yard setback and eaves overhang encroachment. Staff note that the front property line of the subject property is curved and that the majority of the dwelling and proposed addition exceeds the minimum requirement. The intent of the front yard setback provision is to ensure sufficient space in the front of the property for landscaping and an appropriate setback from the street. The proposal will not impact the landscaping in the front yard and maintains an appropriate setback from the street. Further, the eaves on the property are not excessive and maintain an appropriate setback.

Variance 5 requests an increase in garage area. The intent in restricting the size of an attached garage is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space, rather than storage space. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple, or excessive, garage faces from a streetscape perspective. The proposed increase is minor in nature and will be appropriately screened from the streetscape due to its functioning as a side access garage and by significant vegetation along the north side yard. Further, the impact of the garage on the streetscape is limited, as from a straight on view, it does not present

as a garage. Staff are satisfied that the garage is appropriately sized for both the lot and the dwelling.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Impacts to abutting properties and the streetscape are limited due to the location of the subject property on a cul-de-sac. The variances are minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Acknowledging that the existing two car garage and the proposed two car garage will not directly be facing the roadway but on the side which will require a larger manoeuvring area within the driveway, and the fact that the width of the driveway at the property line will not be impacted, we have no objections to the applicant's request.

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





## **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application BP 9ALT 23-8134. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Avongate Park (P-138) and zoned OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

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

##### **Minor Variance: A-23-453M / 2462 Rosemary Dr**

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

##### **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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals may be required prior to the Local Municipality issuing building permit. For more information, please contact Servicing Connections by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Ayooluwa Ayoola, Junior Planner