

# City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A366.23
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 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 7.20m (approx. 23.62 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.50m (approx. 21.32ft) 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 Division is processing Building Permit application BP 9ALT 22-4545. Based on the review of the information available in this application, the requested variance(s) #1 , 2, 4 and 7 are correct. We advise that following amendment(s) are required:

3. A right side yard setback to hard surface of 0.46 m (approx. 1.51ft) 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 7.20m (approx. 23.62 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;

6. A walkway attached (right side) to a driveway with an attachment of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a walkway attached to a driveway with a maximum attachment of 1.50m (approx. 4.92ft) on each side of a driveway in this instance;

Add the following:

8. A centreline Setback to Proposed deck of 20.35 m whereas By-law 0225-2007, as amended, requires a minimum centreline Setback to any building/structure of 25.5 m in this instance;

10. A left side yard setback to hard surface of 0 m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;

11. A side yard setback to a deck of 0.23 m (0.75 ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;

We advise that more information is required in order to verify the accuracy of additional variance(s) :

9. A walkway attached (left side) to a driveway is not compliant with the maximum attachment permitted of 1.5 m, the information could not be confirmed on the drawings submitted.

### **Recommended Conditions and Terms**

Should Committee see merit in the application, planning staff recommend construction related to this variance shall be in general conformance with the drawings approved by the Committee.

## **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 751.33m<sup>2</sup> (8,087.24ft<sup>2</sup>). 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:

Staff note there are no changes to the application from the previous Committee of Adjustment hearing on October 12<sup>th</sup>, 2023, other than an increase in the driveway width from 6.50m (21.32ft) to 7.2m (23.62ft). Please note the comments from the previous report still apply and as such, staff are supportive of the proposed variances.

Additionally, Planning staff note Committee members observed a discrepancy between the drawings submitted and the variance sought concerning the setback for the hard surface landscaping to the left interior side lot line at the previous hearing. The variance sought still requests a 0.46m (1.50ft) setback, where the revised drawings depict a 0m setback. Zoning staff have identified that an additional variance is required for the 0m setback to the left interior side lot line for the hard surfaced landscaping material surrounding the pool in the rear yard. Staff note a small portion of the hard surface landscaping material directly abuts the side lot line, whereas the rest of the hard surface landscaping material along the side lot line maintains the appropriate setback. In corresponding with Transportation and Work's Department staff based on the amended variances identified by zoning staff, Transportation and Work's Department staff confirm there are no concerns regarding drainage.

Planning staff also note an additional variance was identified by Zoning staff in regards to a 0.23m (0.75ft) setback from the deck surrounding the pool in the rear yard to the left interior side lot line. The general intent of this portion of the by-law is to ensure than an adequate buffer exists between adjoining properties. Staff note that the portion of the deck that is triggering the setback variance is due to the supporting beams of the deck. Staff further note that the beams do not create any additional massing that would impact abutting properties and no specific drainage concerns have been raised by Transportation and Work's Department staff.

Given the above, staff have no concerns with the newly identified setback variances, as the proposal maintains the general intent and purpose of the official plan and zoning by-law, represents appropriate development of the subject property and is minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection of the property and the attached photos it is evident that this property has front to rear drainage pattern which means that drainage is directed towards the rear of the property. We note that to the rear of the backyard is Queensway West and that the abutting residential properties have the same drainage pattern. For Variance 1 to 4 we have no drainage related concerns. For Variance 5 & 6 pertaining to the driveway width, we have no objections to the requested driveway width as depicted on the Site Plan submitted.

Comments Prepared by: Tony Iacobucci







## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 22-4545. Based on the review of the information available in this application, the requested variance(s) #1 , 2, 4 and 7 are correct. We advise that following amendment(s) are required:

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5. A driveway width of 7.20m (approx. 23.62 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx 19.68ft) in this instance;

6. A walkway attached (right side) to a driveway with an attachment of 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a walkway attached to a driveway with a maximum attachment of 1.50m (approx. 4.92ft) on each side of a driveway in this instance;

Add the following:

8. A centreline Setback to Proposed deck of 20.35 m whereas By-law 0225-2007, as amended, requires a minimum centreline Setback to any building/structure of 25.5 m in this instance;

10. A left side yard setback to hard surface of 0 m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;

11. A side yard setback to a deck of 0.23 m (0.75 ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;

We advise that more information is required in order to verify the accuracy of additional variance(s) :

9. A walkway attached (left side) to a driveway is not compliant with the maximum attachment permitted of 1.5 m, the information could not be confirmed on the drawings submitted.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Maria Fernandez, Zoning Examiner

**Appendix 3 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner