

City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A320.24 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 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 amended, 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 the construction of an addition proposing:

1. 2 attached garages whereas By-law 0225-2007, as amended, permits only 1 attached garage in this instance; and,
2. A front yard setback of 9.00m (approx. 29.53ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance.

Amendments

The Building Department is currently processing a building permit application under file 21-9478. Based on review of the information currently available for this building permit, Zoning staff advise that the following variance(s) should be amended as follows:

1. Two garages (an attached garage and a carport); whereas, By-law 0225-2007, as amended, permits only one garage in this instance;

Background

Property Address: 2139 Portway Ave

Mississauga Official Plan

Character Area: Sheridan Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

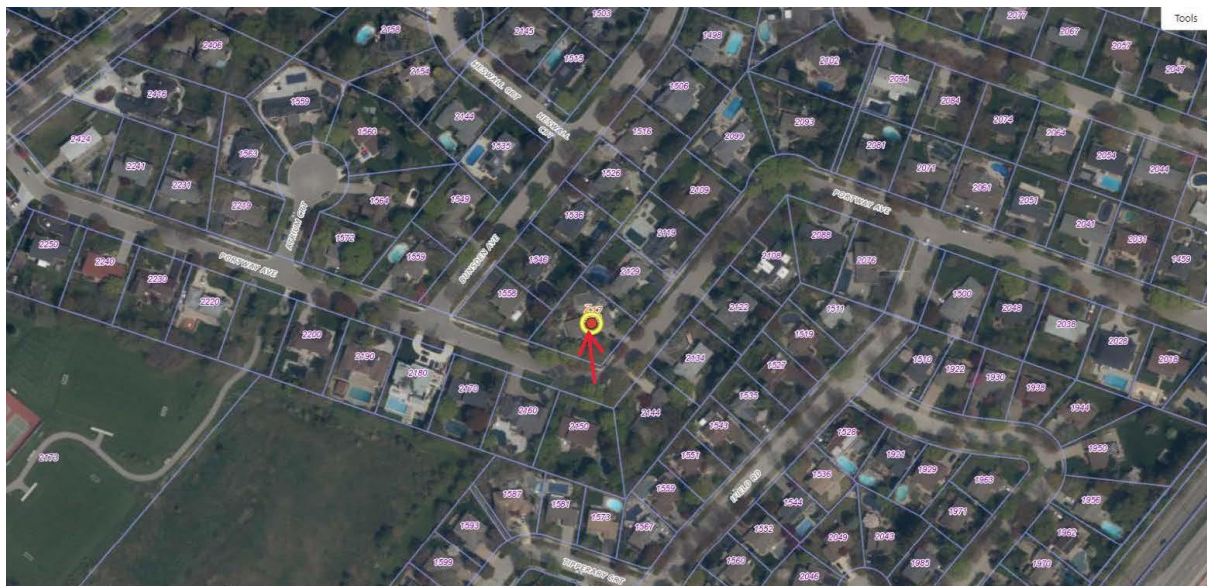
Zoning: R1- Residential

Other Applications: Building Permit application under file 21-9478.

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, south of Mississauga Road and east of Springbank Road. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. The subject property is a corner lot containing an existing one-storey dwelling with an attached garage in the front yard with mature vegetation.

The applicant is proposing a carport in the front yard, requiring variances related to the carport and front yard setback.



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 subject property is located in the Sheridan Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits only detached dwellings in this area. 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. Upon review of the application, staff are of the opinion that the proposal is compatible with the provisions of the official plan and that the general intent and purpose of the official plan is maintained.

Variance #1 requests two garages (an attached garage and a carport) whereas only one is permitted. The intent in restricting the overall number of garages is to ensure that the detached dwelling remains residential in nature. Additionally, this portion of the by-law serves to minimize the visual impact resulting from multiple or excessive garage faces fronting onto a street. Staff note that the proposal does not require additional variance for the total gross floor area, lot coverage or garage area regulations. In this instance, the proposed carport is well incorporated with the existing design of the dwelling mitigating any massing concerns. Furthermore, given the size of the lot, staff are satisfied that the carport can be suitably accommodated without dominating the use of the first floor.

Variance #2 pertains to reduced front yard setback measured to the proposed carport. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighborhoods. Staff note the reduced front yard setback is measured to the proposed carport which projects beyond the face of the dwelling and that the dwelling itself meets the required front yard setback. Staff are satisfied that the orientation of the dwelling and the irregular lot shape cause the reduction in the front yard setback, which is measured to a pinch point. Staff have no concerns with the requested variance, as it is consistent with front yards found within the immediate area. Staff are of the opinion that the reduction in the front yard is minor, and that adequate front yard amenity space is maintained in this instance. Further, as the carport is primarily open, staff have no concerns regarding potential massing impacts.

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: Shivani Chopra, Committee of Adjustment Planner

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 will be addressed by our Development Construction Section through Building Permit BP 9ALT-21/9478.

However, our Traffic Planning Section does not support a circular driveway / secondary access for the subject site. As per the TAC Geometric Design Guide for Canadian Roads, "Single family residential properties [are] normally restricted to one driveway, irrespective of frontage."

Consistent with Traffic Engineering best practices, the number of accesses to the municipal road network are to be minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces, clearly identify which property each driveway serves, etc. In addition, in this particular instance we can not see the rationale for having a circular driveway on this property.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 21-9478. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

1. Two garages (an attached garage and a carport); whereas, By-law 0225-2007, as amended, permits only one garage in this instance;

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: Ramsen Hedoo

Appendix 3 – Parks, Forestry & Environment

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

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance: A-24-320M / 2139 Portway Avenue

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 at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

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- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
 - Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

Comments Prepared by: Petrele Francois, Junior Planner