

City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): A372.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-29 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 accessory structure proposing:

1. A side yard setback of 0.53m (approx. 1.75ft) whereas By-law 0225-2007, as amended, permits a maximum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. A driveway width of 9.20m (approx. 30.17ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
3. A driveway setback to side lot line of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to side lot line of 0.60m (approx. 1.97ft) in this instance;
4. A height of accessory structure of 3.80m (approx. 12.46ft) whereas By-law 0225-2007, as amended, permits a maximum height of accessory structure of 3.00m (approx. 9.84ft) in this instance;
5. An eaves height of 3.06m (approx. 10.04ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 1547 Alexandra Blvd

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

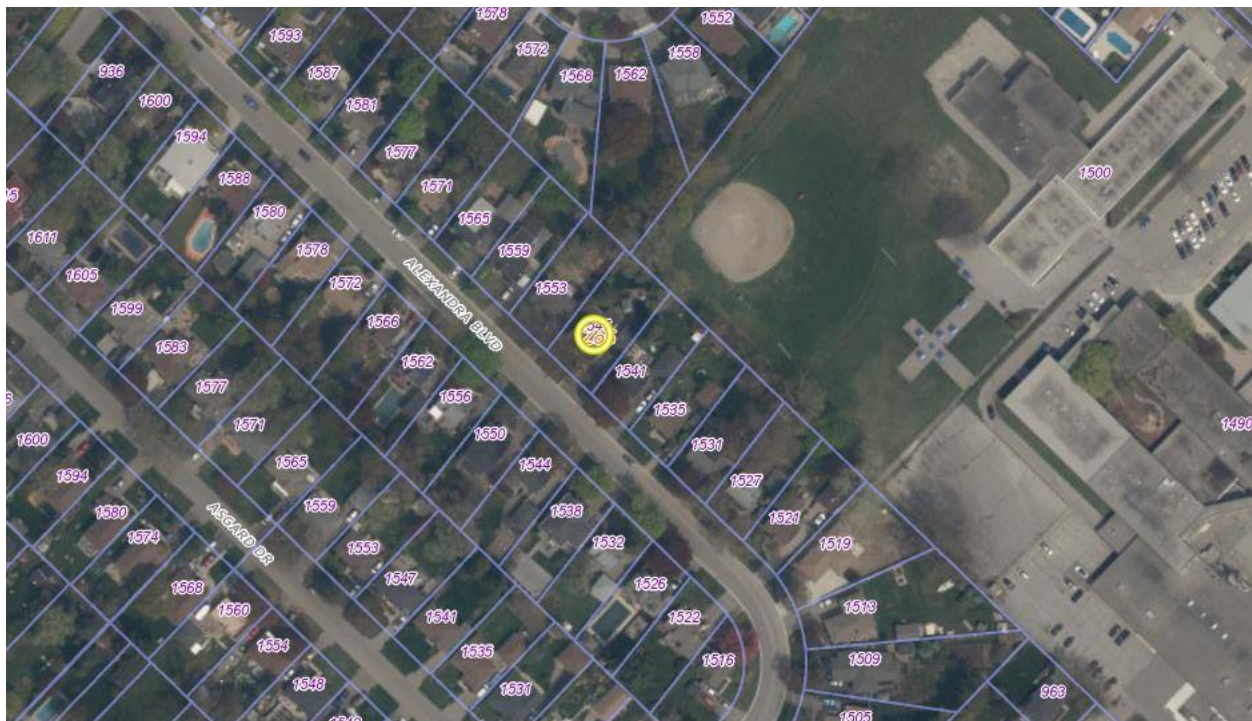
Zoning: R3-75 - Residential

Other Applications: Building Permit application 24-147

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, southwest of the South Service Road and Ogden Avenue intersection. The immediate neighbourhood consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one and a half storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to construct an accessory structure requesting variances related to accessory structure height and eave height, side yard setback, driveway setback and 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 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 Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, duplex, triplexes, street townhouses and 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. The proposal respects the designated and surrounding land uses. Planning staff are of the opinion that the accessory structure is appropriate for the subject property. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variances #1, #4 and #5 all pertain to the detached garage. Variance #1 is regarding a reduced side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. Staff are of the opinion that the proposed reduced setback will not impact the ability to perform any required maintenance on the structure or appropriate drainage patterns. No variance is requested for the area, mitigating any massing concerns. Variances #4 and #5 pertain to garage height and eave height. Staff note the structure has a sloped roof, with the portion of the roof facing the neighbour, towards the rear lot line, measuring at 3.061m (10.04ft). As such, staff are satisfied the structure will not present to its full height to the neighbouring properties. Further, staff note that if the roof was considered a sloped roof technically, it would be permitted a height of 4.6m(15.09ft). Staff are of the opinion that the structure will not pose significant massing impacts to the abutting properties and is appropriately sized for the subject property.

Variance #2 requests an increase in the driveway width and variance #3 pertains to driveway setback. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling. The lot frontage meets the minimum requirement for a driveway width of 8.5m (27.89ft) in this instance and the applicant is proposing 9.20m (30.17ft). The driveway tapers down to a width of 6.69m (21.94ft) towards the garage which is located at the rear of the property. Staff are satisfied that the increase in width is minor in nature and represents an existing condition on the lot. Staff are satisfied that the lot frontage allows for a wider driveway and that additional parking can not be facilitated and have no concerns with the variance. With respect to the 0.0m driveway setback, staff note that the rocks lining the driveway are included in the driveway width. While Planning staff do not typically support variances for 0m setbacks to paved surfaces and driveways, however, staff note that variances with 0m setbacks are common in the immediate area. Furthermore, Transportation and Works note that any concerns or requirements are being addressed through the Building Permit process.

Staff are satisfied that the detached garage is designed in a manner that is compatible with the detached dwelling and the accessory structure and as such, does not pose massing concerns and will not negatively impact the streetscape.

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. It is appropriately located on the site and appropriately sized for the lot. Staff are satisfied that the proposal is compatible with the existing scale and character of the surrounding community. The variance is minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing garage. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed accessory structure will be addressed by our Development Construction Section through Building Permit BP 9ALT-23/7151.

We ask that the right side of the garage be equipped with an eaves trough and down spout directed in such a manot to not impact the adjacent property. In its current state, during a heavy rainfall the garage roof drainage will flow onto the adjoining property.

Comments Prepared by: John Salvino, Development Engineering Technologist











Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-147. Based on the review of the information available in this application, the requested variance(s) is/are correct.

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: Andrew Wemekamp, Zoning Examiner.

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:

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1. No public trees shall be injured or removed. If public tree injury or 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

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner