

City of Mississauga Department Comments

Date Finalized: 2024-08-08	File(s): A312.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 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 addition of a front porch, a kitchen and rear sunroom proposing:

1. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance; and,
2. A lot coverage of 42.92% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 7166 Harwick Dr

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

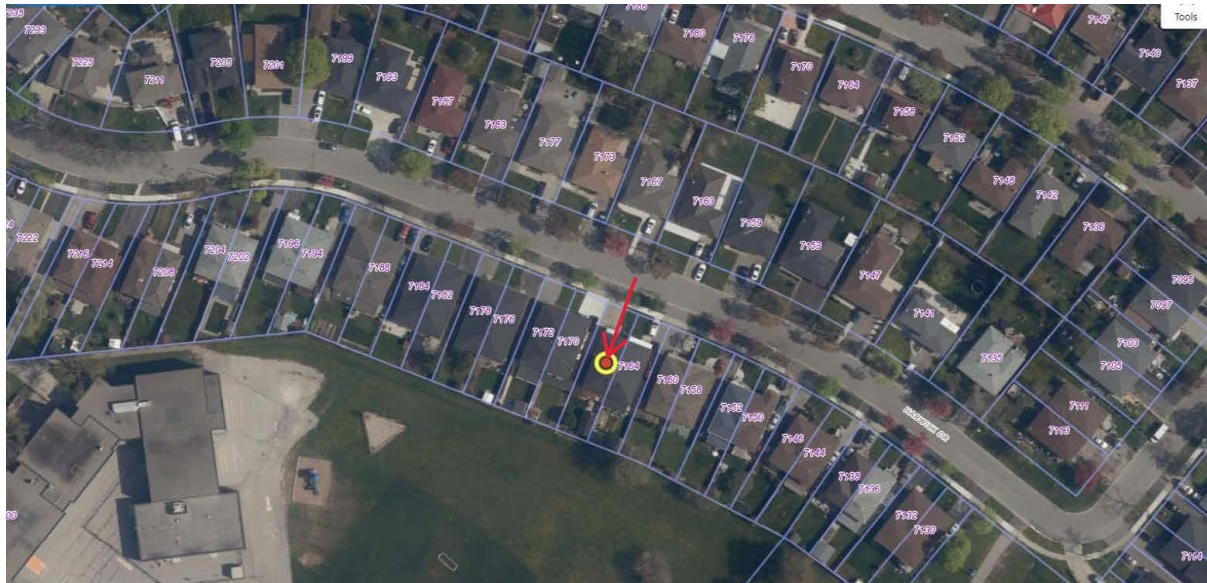
Zoning: RM1 - Residential

Other Applications: BP 9ALT 24 1712 & BP 9ALT 24 1753

Site and Area Context

The subject property is located south-west of the Morning Star Drive and Darcel Avenue intersection in the Malton Neighbourhood Character Area. It is an interior lot containing a two-storey semi-detached dwelling with no garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

The applicant is proposing to construct an addition and porch requiring variances for 2 kitchens 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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.

Variance 1 requests an additional kitchen within the dwelling. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of recent additional residential unit policies as well as new provincial legislation

regulation three and four dwelling units as of right, the variance of an additional kitchen is minor in nature. The proposed additional kitchen does not impact the streetscape, adjacent properties or the neighbourhood.

Variance 2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the proposed lot coverage is generally in line with other dwellings in the surrounding area. The existing dwelling itself represents 29.44% of the total lot coverage, which is well within the permissible 35%. Even with the one storey addition, the coverage would be within the allowable limits. Only when including the existing shed (5.34%) and the proposed porch (3%) does the development exceed the permitted coverage limits. In this case, the additional coverage does not really have any significant massing impacts to the neighbouring properties or represent an overdevelopment of the lot. Furthermore, the proposed coverage represents an appropriate balance between the existing and planned character of the area in this instance.

Staff are satisfied that the proposed variances meet the general intent and purpose of both the official plan and zoning by-law. Furthermore, staff note the proposal is minor in nature and represents appropriate development of the subject property.

While Planning staff are not in a position to interpret the zoning by-law, staff note an additional variance may be required for the shed as it has an accessory structure area of 18.58m² (199.99ft²), whereas only 10m² (107.63ft²) is permitted. Planning staff do not have any concerns with the size of the shed, but note a variance is likely required.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

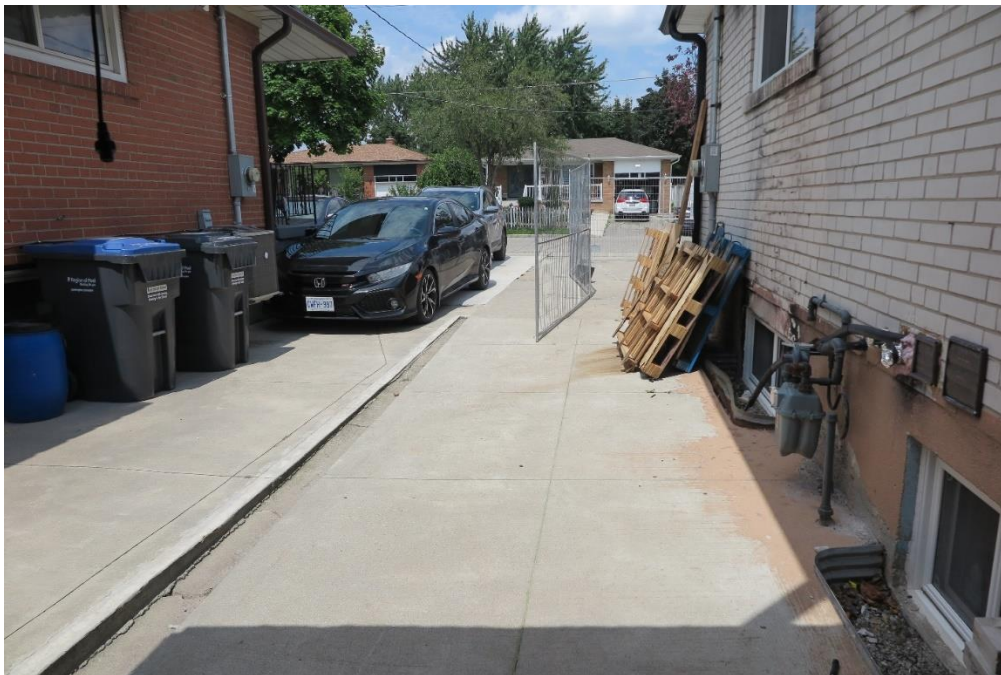
Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the front porch and rear sunroom addition will be addressed through the Building Permit process.

We have enclosed a number of photos which depict the subject property and note from the information submitted on the Site Plan Drawing submitted that the existing carport is to be removed, this existing carport has its drainage directed onto the abutting property and its removal will be an improvement. Also evident from the photos is that both the subject and abutting property have a similar concrete area between the dwellings which alleviates the concern for any drainage from one property impacting on the other property.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit 24-1712. Based on the review of the information available in this application, the requested Variance item #2 is correct. However, based on review of the information available in this application, accuracy cannot be confirmed for Variance item #1.

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: Candice Willilams, Zoning Examiner

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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 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