

Date Finalized: 2024-08-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A306.24 Ward: 11
	Meeting date:2024-08-15 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments and condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow construction of a detached garage and creation of an additional residential unit (ARU) proposing:

1. An exterior side yard setback to the garage face of 2.18m (approx. 7.15ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the garage face of 7.50m (approx. 24.61ft) in this instance;
2. A front yard setback to the garage face of 4.22m (approx. 13.85ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the garage face of 7.50m (approx. 24.61ft) in this instance;
3. A garage projection of 9.25m (approx. 30.35ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance;
4. A driveway width of 7.19m (approx. 23.59ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00m (approx. 9.84ft) in this instance;
5. A setback to the eave of the detached ARU of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of the detached ARU of 1.35m (approx. 4.43ft) in this instance;
6. A first storey setback to the detached ARU of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum first storey setback to the detached ARU of 1.80m (approx. 5.91ft) in this instance;
7. To allow a detached ARU in an interior side yard, whereas By-law 0225-2007, as amended, does not allow a detached ARU in the interior side yard in this instance;
8. The height of the one storey ARU of 4.85m (approx. 15.91ft) whereas By-law 0225-2007, as amended, permits a maximum height of the one storey ARU of 4.60m (approx. 15.09ft) in this instance;
9. An interior side yard setback to the first storey of the detached ARU of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the first storey of the detached ARU of 0.60m (approx. 1.97ft) in this instance;

10. An air conditioning equipment setback for the detached ARU of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum air conditioning equipment setback for the detached ARU of 0.61m (approx. 2.00ft) in this instance; and,

11. A lot coverage of 27.20% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance.

Amendments

The Building Department is processing Building Permit application BP 9ALT 23-10157 & BP 9NEW 23-10016. Based on review of the information available in this application, we advise that following amendments are required:

3. A garage projection of 9.44m (approx. 30.97ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance;

The Building Department also advises that an additional variance is required:

12. A proposed detached garage located in-between the front wall of a dwelling and front lot line whereas By-law 0225-2007 as amended does not permit a detached garage in-between the front wall of a dwelling and front lot line in this instance.

The Building Department also advises to omit the following variance as it is not required:

6. A first storey setback to the detached ARU of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum first storey setback to the detached ARU of 1.80m (approx. 5.91ft) in this instance;

Recommended Conditions and Terms

Should Committee see merit in the application, Planning staff recommend the requested variances are subject to the following condition:

1. Construction related to these variances shall be in general conformance with the drawings approved by the Committee.

Background

Property Address: 7035 Old Mill Lane

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

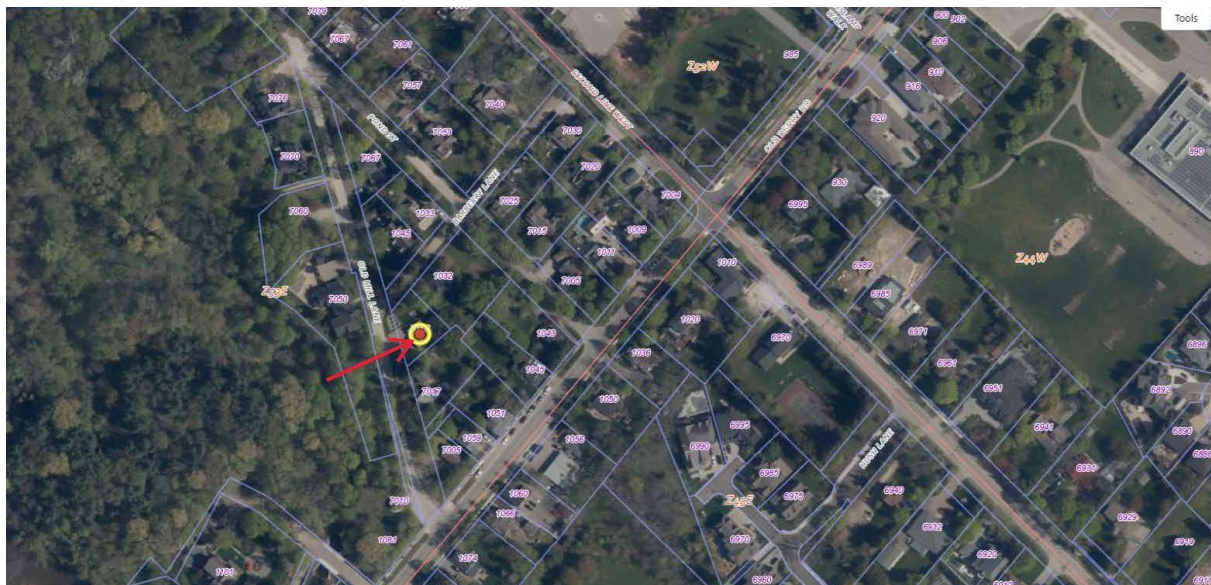
Zoning: R1-32 - Residential

Other Applications: BP 9ALT 23-10157 & BP 9NEW 23-10016

Site and Area Context

The subject property is located north-west of the Second Line West and Old Derry Road intersection in the Meadowvale Village Neighbourhood Character Area. It is a corner lot containing a single storey dwelling and shed with no garage. The subject property has an approximate lot area of +/- 713.43m² (7,679.29ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing the construction of a single storey detached garage and detached additional residential unit (ARU) requiring variances for their location, front and exterior side yard setbacks to the detached garage, garage projection, driveway width, eaves, ARU setback, air conditioning unit setback, height of the ARU 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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation only permits detached dwellings.

Section 16.17.2.9 of the MOP, (Meadowvale Village Neighbourhood policies), states:

- a. the presence of garages should be minimized to create an attractive streetscape. Garages should not project substantially beyond the front face of any house. Garages that project beyond the front face of any house will be discouraged; small, recessed or detached garages are preferred. Additional measures may be required through the processing of development applications to ensure an acceptable streetscape is developed. Garages will not project beyond the face of any house located in areas designated Residential Low Density I;

Variances #3, as amended, and #12 request an increased garage projection and to permit the location of the proposed detached garage in-between the front wall of a dwelling and front lot line. The intent of Section 16.17.2.9 of the MOP and the by-law regulations in prohibiting the location of the proposed detached garage and an increased garage projection is to ensure the visual integrity and consistency of the streetscape is maintained while ensuring the garage does not become the dominant feature of the dwelling. The property is a corner lot, abutting Old Mill Lane and Barberrry Lane. According to the zoning by-law, the shortest lot line abutting the street is technically considered to be the front yard. Regarding the subject property, the yard fronting onto Old Mill Lane functions as a front yard, however Barberrry Lane is the front yard according to the by-law. It is noted that the property has been developed in a manor where the dwelling faces Old Mill Lane. Additionally, subject property's point of egress is also from Old Mill Lane. Based on these existing site conditions, the resulting variances are technical in nature, as the proposed location of the detached garage would be in the functioning exterior side yard, though technically it is the front yard. When considering the orientation and function of the property, the proposed garage will align with the existing dwelling and other homes along the street thereby maintaining the intent of the policies and regulations.

Variances #1 and #2 pertain to a reduced exterior side and front yard setback to the proposed detached garage. The intent of the by-law regulations for the exterior side yard setback is to ensure that access to the rear yard remains unencumbered and that the proposed development does not negatively impact the public realm. The intent of the by-law regulations for the front yard setback is to ensure a consistent character is maintained along the streetscape and that sufficient front yard space is incorporated into the design of the neighbourhoods. Staff note the dwelling is sited on a slight angle to the lot line thereby requiring the exterior side yard setback to be measured from the most restrictive point, being 2.18m (7.15ft). The setback gradually increases to 5.2m (17.06ft) as you

move towards the existing dwelling. Similarly, the front yard setback is also taken from the most restrictive point on the property, measuring 4.22m (13.84ft), and gradually increases to 5.41m (17.74ft). Staff are of the opinion that the proposed setbacks sufficiently maintain access to the rear yard and maintain the established public realm. Furthermore, staff recognize the reduced front yard setback is the result of the lot line orientation and it's consistent established streetscape. Staff are of the opinion that the proposal will not have significant impacts to the neighboring properties.

Variance #4 requests an increase in driveway width. 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, with the remainder of lands in the exterior side yard being soft landscaping. Staff note the increase in driveway width is to permit access to and from the proposed double car garage. Staff are of the opinion that the driveway width is appropriate due to the permitted double car garage and is large enough to suitably accommodate the required number of parking spaces for the dwelling. Additionally, the remaining exterior side yard lands will maintain the required soft landscaping ratio.

Variances #5, #6, #9 and #10 request reduced setbacks to the existing shed (proposed ARU). Zoning staff have confirmed that variance #6 is not required. Staff originally had concerns with the proposed setback of the air conditioning unit for the proposed ARU regarding the ability to maintain the unit. After further review, staff have concluded that the air conditioning unit can still be maintained from either side and that the operating noise levels will not be considered a nuisance. Staff are satisfied the remaining variances maintain an adequate buffer between structures, ensure drainage patterns are appropriate and unencumbered access to the subject property is maintained.

Variance #7 is technical in nature due to the orientation and function of the property. Staff note the structure is an existing condition and is appropriately situated on the subject property.

Variance #8 relates to an increase in ARU height. The intent of the zoning by-law provisions regarding the height of an ARU is to ensure that the structure is proportional to the lot and dwelling, while not presenting any massing concerns to the neighbouring lot. The existing shed exceeds the maximum permissible height for an ARU by 0.25m (0.82ft). Staff are satisfied this represents a minor deviation from the permissible by-law regulations and that the proposed ARU will remain accessory to the main dwelling. Furthermore staff note no concerns with overlook or privacy issues.

Variance 11 represents an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that would impact the streetscape as well as abutting properties. Staff are satisfied that the design of the proposed detached garage in addition to the existing dwelling and proposed ARU on the subject property is sympathetic to both the planned character of the area and existing dwellings.

Given the above, Planning staff are satisfied that the variances, both cumulatively and individually, maintain the general intent and purpose of the official plan and zoning by-law, are minor in nature and contribute to orderly development of the subject property. Additionally, the variances will not cause any undue impacts to the streetscape and abutting properties.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for the Committee's information that any Transportation and Works Department concerns/requirements for the detached garage and creation of an additional residential unit (ARU) will be addressed through the Building Permit process.

Variance # 1 is requesting an exterior side yard setback to the garage face of 2.18m, whereas 7.5m is required. This department typically discourages any reduction of less than 5.2m measured from the face of the garage to the property line in order to accommodate any driveway parking totally within the limits of the site. In this particular instance, we do note that this property is located within Meadowvale Village, which has a very unique character. It should also be noted that one side of the garage will still maintain an approximate 5.3m setback from the face of the garage to the property line. From our review, we also note that the existing configuration of the dwelling restricts locations where a new garage can be constructed. Along the Barberry Lane frontage, we note that there is a fire hydrant and two storm drainage culverts, which also restrict any access to that frontage.

In light of the above, we would have no objections to the applicant's request; however, we would encourage the applicant, if all possible, to make an attempt to slightly increase the requested 2.18m setback; nevertheless, we are leaving the discretion to the applicant and the Committee.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 23-10157 & BP 9NEW 23-10016. Based on review of the information available in this application, we advise that following amendments are required:

3. A garage projection of 9.44m (approx. 30.97ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 0.00ft) in this instance;

The Building Department also advises that an additional variance is required:

12. A proposed detached garage located in-between the front wall of a dwelling and front lot line whereas By-law 0225-2007 as amended does not permit a detached garage in-between the front wall of a dwelling and front lot line in this instance.

The Building Department also advises to omit the following variance as it is not required:

6. A first storey setback to the detached ARU of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum first storey setback to the detached ARU of 1.80m (approx. 5.91ft) in this instance;

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: Gary Gagnier and Brooke Herczeg, Zoning Examiners

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 – Heritage

The property is designated Part V of the Ontario Heritage Act as part of the Meadowvale Village Heritage Conservation District, and therefore subject to said district's Plan (HCD Plan). The HCD Plan is found here:

http://www7.mississauga.ca/Departments/Rec/celebration-square/culture_website/cultureplanning/resources/HeritageConservationPlan_OldPortCredit.pdf

As such, a completed Heritage Property Permit Application, a building permit set of architectural drawings (coordinated with all consulting disciplines) and a Heritage Impact Assessment are required to alter the property. A copy of the Heritage Property Permit Application form is available on line at: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>.

The city's Heritage Impact Assessment Terms of Reference are available on line at: https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment_TermsOfReference2017.pdf

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 - CVC

Based on the review of the information provided, the subject property at 7035 Old Mill Lane in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

If you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 6 – Region of Peel

Minor Variance Application: A-24-306M / 7035 Old Mill Lane

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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.

Comments Prepared by: Petrele Francois, Junior Planner