

City of Mississauga Department Comments

Date Finalized: 2024-10-16 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A575.22 Ward: 7
	Meeting date:2024-10-24 3:30:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow for a detached garage proposing an interior yard setback of 0.90m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum interior yard setback of 1.21m (approx. 3.97ft) in this instance.

Background

Property Address: 3038 Franze Dr

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the west side of Franze Drive, north of the Dundas Street East intersection. It is an interior lot containing a detached dwelling with an attached garage. No notable landscaping/vegetative elements are present in the front yard. The property has an approximate lot frontage of 15.15m (49.7ft), which is generally in line with lots along the west

side of Franze Drive. The surrounding context is predominantly residential, consisting of a mix of detached and townhouse dwellings on lots of varying sizes. Commercial uses are present along Dundas Street East.

The applicant is proposing construction of a detached garage in the front yard requiring a variance for side 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 of the four tests to this minor variance request are as follows:

Staff note the application was deferred from the December 8th, 2022 hearing concerning the applicant's proposal to widen the existing driveway. Planning staff was not in support of the given proposal at that time. Staff note through site visits and the subsequent pictures provided that the driveway has been widened and is being utilized for parking of motor vehicles. Planning staff are not in support of the driveway in its existing condition.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I 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. The planned and existing character of the area are detached dwellings with attached garages contained within the front façade of the dwelling or detached garages located in the rear yard. The proposed second garage is not consistent with this established and planned characteristic of the community. Staff are of the opinion that the general intent and purpose of the official plan is not maintained in this instance.

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

The proposed variance relates to a side yard setback to the proposed detached garage to be located in the front yard. While Planning staff are not in a position to interpret the zoning by-law, staff note that additional variances appear to be required for the location of the detached garage in the front yard between the front wall of the dwelling and front lot line and maximum number of garages permitted per lot. Planning staff further note that if the correct variances were included with the application submission, staff would not be supportive of the proposal. As mentioned above, the second garage would not be consistent with the established neighbourhood context or planned character of the area. Additionally, the zoning by-law specifically prohibits detached garages from being located between the front wall of the dwelling and the front lot line. Given the City's decision to prevent detached garages in front yard areas, as well as limiting properties to only having one garage per site, staff are of the opinion that the proposal does not maintain the intent and purpose of the zoning by-law. Staff have no concerns with the proposed setback, however staff cannot support the application as it is because of the existing garage and the proposed location of the additional garage.

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 is not minor in nature and does not represent orderly development of the subject property.

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 proposed detached garage will be addressed through the Building Permit process.

It should be noted that there is an existing catch basin within the municipal boulevard in front of this dwelling which is not to be impacted by the proposed detached garage or proposed landscaping.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit, we are unable to confirm the accuracy of the information provided or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 3038 Franze Dr to allow the construction of a detached garage structure as circulated on September 27, 2024, and to be heard at Public Hearing on October 24, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

Appendix 5 – Region of Peel

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner