

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-09	File(s): A564.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/16/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to Variances #4 and #5, however, recommend that the rest of the variances be refused.

Application Details

The applicant requests the Committee to approve a minor variance for a accessory structure and new build proposing:

1. A lot coverage of 37.30% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. A front yard landscaping of 33.79% whereas By-law 0225-2007, as amended, requires a minimum front yard landscaping of 40.00% in this instance;
3. A driveway width of 10.66m (approx. 34.98ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
4. A front yard porch setback of 3.81m (approx. 12.50ft) whereas By-law 0225-2007, as amended, requires a minimum front yard porch setback of 5.90m (approx. 19.36ft) in this instance;
5. A front yard eaves setback of 4.19m (approx. 13.75ft) whereas By-law 0225-2007, as amended, requires a minimum front yard eaves setback of 5.45m (approx. 17.88ft) in this instance;
6. A garage/ accessory structure combined side yard width of 1.44m (approx. 4.72ft) whereas By-law 0225-2007, as amended, requires a minimum garage/ accessory structure combined side yard width of 2.40m (approx. 7.87ft) in this instance;
7. A garage flat roof height of 4.47m (approx. 14.67ft) whereas By-law 0225-2007, as amended, permits a maximum garage flat roof height of 3.00m (approx. 9.84ft) in this instance;
8. A garage flat roof eaves height of 4.02m (approx. 13.19ft) whereas By-law 0225-2007, as amended, permits a maximum garage flat roof eaves height of 3.00m (approx. 9.84ft) in this instance;
9. An accessory structure height of 4.47m (approx. 14.67ft) whereas By-law 0225-2007, as

amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;

10. An accessory structure area of 43.60sq m (approx. 469.31sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance;

11. A combined accessory structure area of 43.60sq m (approx. 469.31sq ft) whereas By-law 0225-2007, as amended, permits a maximum combined accessory structure area of 30.00sq m (approx. 322.43sq ft) in this instance;

12. A lot coverage accessory structure of 12.58% whereas By-law 0225-2007, as amended, permits a maximum lot coverage accessory structure of 10.00% in this instance;

13. An accessory structure side yard setback of 0.59m (approx. 1.94ft) whereas By-law 0225-2007, as amended, requires a minimum accessory structure side yard setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 398 Marf Ave

Mississauga Official Plan

Character Area: Mineola Neighborhood
Designation: Density Low Density II

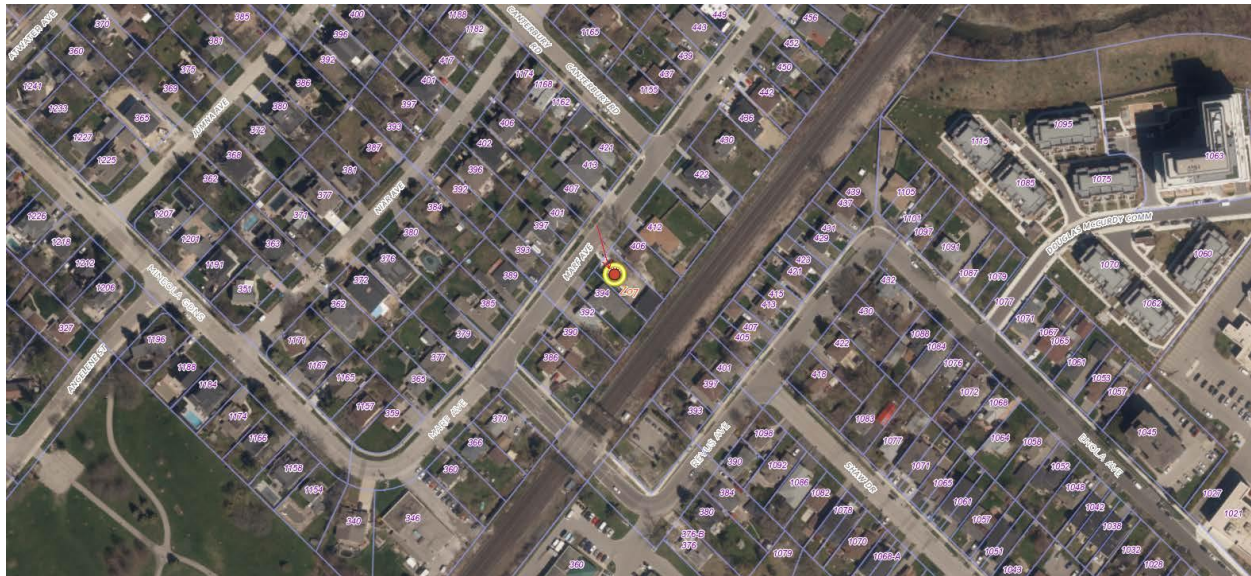
Zoning By-law 0225-2007

Zoning: R3-1 - Residential
Other Applications: Building Permit application BP 9NEW 24-939

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Atwater Avenue and Canterbury Road intersection. Directly abutting the property to the south is a Metrolinx Rail Corridor. The immediate area consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation throughout the properties. The subject property contains an existing one-storey detached dwelling with an accessory structure and detached garage in the rear yard. There is limited vegetation in the front yard.

The applicant is proposing to legalize the existing driveway, detached garage and accessory structures requiring variances for lot coverage, setbacks, driveway width, accessory structure/detached garage area, height, coverage and setbacks.



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 Mineola Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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. Staff note the following official plan policies under Section 16.18.1:

- d. garages should be recessed or located behind the main face of the house. Alternatively, garages should be located in the rear of the property;
- g. reduce the hard surface areas in the front yard;
- i. large accessory structures will be discouraged,

Staff note that the intent of the official plan policies is to ensure that the accessory structures and garages are subordinate to the main dwelling. Further, the policies encourage the preservation and enhancement of landscaping and vegetative elements in the front yard.

Planning staff are of the opinion that the size of the existing accessory structure/garage is not compatible with the surrounding neighbourhood and poses notable massing impacts. Further, the proposed driveway and reduced front yard landscaping present excessive hardscaping concerns on the property.

However, with respect to variances #4 and #5, staff note the reduction is limited to only the eaves and the porch. Staff are satisfied that the dwelling maintains the generous front yard setbacks envisioned in the official plan.

As such, staff are of the opinion that variances #4 and #5 meet the intent of the official plan. However, the rest of the variances do not meet the intent and purpose of the Mississauga Official Plan.

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

Variances #4 and #5 pertain to front yard setback measured to the eaves and porch. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard soft landscape space is incorporated into the design of neighbourhood and that an appropriate buffer between the porch and lot lines is maintained. Staff have no concerns with the requested variances, as they are consistent with front yards found within the immediate area. Staff note that the reduced front yard is required to accommodate the eaves and porch. Staff are of the opinion that these dwelling features do not present any massing concerns and that the reduced front yard is minor and maintains an appropriate front yard soft landscape space.

Variances #2 and #3 pertain to front yard landscaping and driveway width. The intent of the zoning by-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping. The proposed variance is considerably larger than what is permitted and is able to accommodate additional vehicles parked side-by-side. The intent of a soft landscape area is to help define the character and identity of a neighbourhood, while also ensuring that hardscaping does not dominate the lot frontage. The applicant has proposed a front yard soft landscape area of 33.79% whereas, 40% is required. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area represents a significant portion of the property's front yard to be used for parking purposes resulting in deficient soft landscaping. This is contrary to the intent of the zoning by-law.

Variance #1 requests an increase in the lot coverage. Variances #6-#13 pertain to the existing accessory structure and detached garage. The intent of accessory structure regulations within the zoning by-law is to ensure that the structures are proportional to the lot and dwelling and are

clearly accessory while not presenting any massing concerns to neighbouring lots. Through a review of the drawings submitted, staff note the combined accessory structure/detached garage represents a lot coverage of approx. 19% (120.71m²), while the main dwelling represents a lot coverage of approximately 16% (103.62m²). In addition to the increase in coverage, the proposal requests a significant increase in accessory structure height along with reduce setbacks exacerbating the massing impacts. It is worth noting that that the structure presents a similar massing to the main dwelling. This does not meet the intent of the zoning by-law.

As such, staff are of the opinion that variances #4 and #5 meet the intent and purpose of the zoning by-law. However, staff are of the opinion that variances #1-#3 and #6-13 fail to meet the intent of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

It is staff's opinion that the variances #1-#3 and #6-#13 do not meet the general intent and purpose of both the official plan and zoning by-law; are not minor in nature; and, are not desirable for the orderly development of the lands. As such, staff recommend these variances be refused.

Staff are satisfied that variances #4 and #5 are appropriate and minor in nature and as such, have no concerns with these variances.

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 dwelling are being addressed through the Building Permit process, File:BP 9NEW-24/939.

As you will notice in the attached photos, the structure is mostly constructed and the roof down spouts have been placed such that the roof drainage is directed to the neighbouring properties. All of the down spouts will need to be redirected/relocated to a location where the adjacent lands are not impacted. Our Development Construction Section will be ensuring this through the final inspections of the Building Permit phase.

Comments Prepared by: John Salvino, Development Engineering Technologist















Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 24-939. 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

Forestry Comments

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 – Region of Peel Comments

Property line water service shut off valves and water services within the road allowance are owned by the Region of Peel. All water services shall have shut-off valves (curb stops and boxes) installed at the property line, be flush with grade, and accessible at all times. For residential applications, shut off valves and service lines shall be installed in grass areas with a minimum distance of 1.0m from the edge of the driveway.

Comments Prepared by: Petrele Francois, Junior Planner