

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A469.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure and driveway proposing:

1. A rear yard setback to an accessory structure of 0.45m (approx. 1.48ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance;
2. A side yard setback to an accessory structure of 0.53m (approx. 1.74ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance;
3. A walkway width of 2.19m (approx. 7.19ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
4. A driveway width of 6.35m (approx. 20.83ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
5. An accessory structure area of 11.67sq m (approx. 125.62sq 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.

Amendments

While Planning staff are not in a position to provide a Zoning review, staff note the following amendments are required:

#3 A walkway width of 1.8m (5.11ft) is required whereas a maximum walkway width of 1.50m (4.11ft) is permitted.

#4 A driveway width of 9.09m (29.98ft) is required whereas a maximum driveway width of 8.5m (27.88ft) is permitted.

Background

Property Address: 1610 Kenmuir Ave

Mississauga Official Plan

Character Area: Mineola Neighborhood
Designation: Residential Low Density II

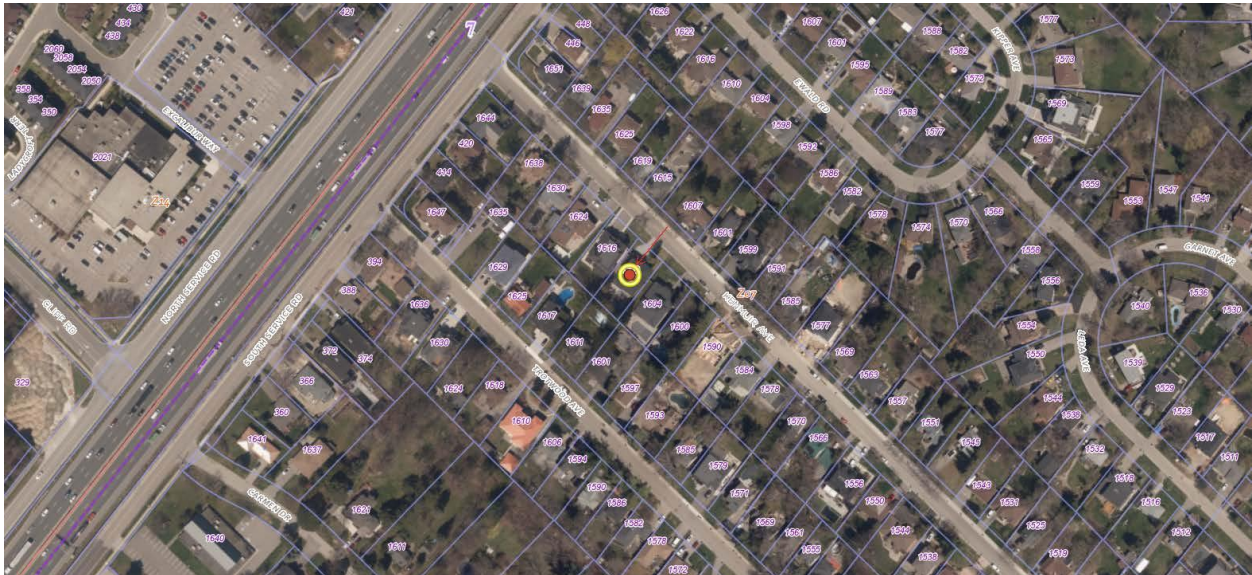
Zoning By-law 0225-2007

Zoning: R3-1 – Residential

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of the Cawthra Road and South Service Road intersection. The neighbourhood is entirely residential, consisting of one and older/newer two storey detached dwellings with mature vegetation. The subject property contains an existing two-storey dwelling with mature vegetation in both the front and rear yard.

The applicant is proposing to legalize an existing accessory structure and driveway requiring variances for accessory structure area, setbacks, walkway width and driveway 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 are as follows:

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) which permits detached dwellings only. 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.

Variances #1 and #2 pertain to rear and side yard setbacks measured to the existing accessory structure. The general intent 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 decrease in the proposed setbacks is minor numerically and does not impact the ability to perform maintenance around the structure. Further, staff are satisfied that an adequate buffer is maintained between structures on adjoining properties and that the variances do not impact drainage patterns.

Variance #5 requests an increase in the accessory structure area. The intent of the subject zoning by-law provisions 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. Staff note that the structure represents 1.5% of the total lot coverage, which is under the

permissible lot coverage of 5% of the total lot area for accessory structures. The proposed structure is clearly accessory to the primary structure on the property as the existing detached dwelling's footprint covers approximately 5 times the amount of area as the accessory structure. No variance is requested for accessory structure height, combined total accessory structure area or overall lot coverage, which further mitigates potential impacts.

Planning staff have reviewed the revised drawings submitted by the applicant on January 27, 2025.

Variance #3, as amended, pertains to walkway width. The intent of the walkway attachment provision is to help define the entryway and to permit safe movement of pedestrians to the dwelling while prohibiting vehicle accommodation. Staff note the variance requested is measured diagonally at its widest measurement and that the walkway maintains a width of 1.5m (4.11ft) measured parallel to the driveway. Staff are of the opinion that the proposed walkway is appropriately sized for the subject property. Given the nature of the walkway design and location, staff are satisfied that the walkways will not accommodate vehicular access and parking.

Variance #4, as amended, requests an increase in the driveway width. City Council passed By-Law 0182-2024, on October 09, 2024, amending the City's parent zoning By-Law 0225-2007, to permit a maximum driveway width of 8.5m (27.88ft) for lot frontages 17m or greater. The subject property has a frontage of 18.29m. As such, the subject property is permitted a driveway width of 8.5m (27.88ft), whereas 9.09m (29.8ft) is proposed. The driveway maintains a width of 7.7m (25.2ft) for the major portion of it, which is well below the maximum permissible regulation. Staff note the driveway width variance is measured at the widest point, inclusive of the walkway width. Staff are satisfied that the portion of the driveway that exceeds the regulation will not be able to facilitate additional parking or vehicular movement. Furthermore, the proposed driveway does not require additional variances for setbacks or soft landscaping.

Staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

Planning staff are of the opinion that the overall impact created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed please find pictures of the existing shed and driveway. We ask that the shed be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent properties.

Comments Prepared by: John Salvino, Development Engineering Technologist









Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Crystal Abainza, 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

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner