

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A402/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

## Consolidated Recommendation

The City has no objections to variance #9, however, recommend that the remaining variances be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
2. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
3. A front yard measured to a carport of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance;
4. A rectangular area measured from the inside face of walls for a carport of 2.75m x 5.20m (approx. 9.02ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance;
5. A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance;
6. A height of a detached garage of 3.13m (approx. 10.27ft) whereas By-law 0225-2007, as amended, permits a maximum height of a detached garage of 3.00m (approx. 9.84ft) in this instance;
7. A landscape soft area of 29.47% whereas By-law 0225-2007, as amended, requires a minimum landscape soft area of 40.00% in this instance;
8. A side yard measured to an attached garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance;
9. A side yard measured to a second unit above a garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and

10. An attached garage being attached to the dwelling by an area of less than 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft.) whereas by-law 0225-2007, as amended, requires that a minimum area of attachment of a dwelling and attached garage of 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft) is required in this instance.

## Amendments

Variance #1 should be amended as follows:

A carport(as a detached garage) in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;

Variance #8 and 10 should be replaced with the following variances:

8. The carport eave overhanging of 0.55m (approx. 1.801ft) into the required front yard whereas the max permitted eave overhanging encroaching into the required yard is 0.45m (approx. 1.471ft). ;

10. A side yard measured to the carport of 1.52m (approx. 4.981ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance.

## Background

**Property Address:** 2212 Shardawn Mews

### Mississauga Official Plan

Character Area: Erindale Neighbourhood

Designation: Greenlands, Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-8 (Residential)

### Other Applications:

Site Plan Application: 20-79

### Site and Area Context

The subject property is located within the Erindale Neighbourhood Character Area, southwest of Mavis Road and Queensway West. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. Abutting the subject property to the rear is the Mississauga Golf and Country Club and the Credit River. The subject

property contains an existing two storey dwelling with a garage in the front yard and mature vegetation. The applicant is proposing a carport in the front yard, requiring variances related to the carport, soft landscaped area and the existing garage.



## 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. The subject

property is also located within Special Site 2 of the Erindale Neighbourhood Character Area. As per the policies of Special Site 2 (Section 16.9.2.2.2) of MOP, specifically paragraphs 'a', 'c' and 'g', front yard setbacks should be preserved and enhanced, new housing is encouraged to fit the scale and character of the surrounding area and hard surface areas in the front yard should be reduced. The front yard contains significant hard landscaping and a large two storey garage with a second unit in the second storey. The proposed carport would add an additional structure within the front yard that would be closer to the street. This is uncharacteristic of the neighbourhood and the broader area. The neighbourhood consists of lots with a sufficient amount of soft landscaping within the front yard that is not obstructed by structures or have excessive amounts of hard surfacing. As such, staff is of the opinion that variances #1-8 and 10 which relate to the carport and deficient soft landscaping area, do not maintain the general intent and purpose of the official plan.

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

Variances #1 proposes a carport in the front yard whereas it is not permitted and variance #7 proposes a reduced soft landscaped area of 29.73% whereas a minimum of 40% is required. The general intent of the by-law is to ensure that a consistent streetscape character is maintained throughout the neighbourhood and that a sufficient front yard space is incorporated into the design of the neighbourhoods. Currently, the neighbourhood is characterized by dwellings that incorporate front yards with dedicated soft landscaping that exceeds the hard surfacing and is free of any large structures. The application proposes significant hard surfacing within the front yard and a carport structure in addition to a garage that projects into the front yard. The impact of the proposed carport would reduce the overall amenity space in the front yard which does not maintain the existing and planned context of the neighbourhood. As staff does not support the proposed carport and reduced soft landscaped area, the remaining variances relating to the carport cannot be supported. Staff is of the opinion that variances #1-8 and 10 do not maintain the general intent and purpose of the zoning by-law.

Variance #9 represents an existing condition that is a minor deviation from the zoning by-law and will not have any additional undue impact from what is currently permitted. As such, the proposed variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature.

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

The application proposes significant hard landscaping and a carport within the front yard which would significantly reduce the overall amenity space incorporated into the front yard. The proposal is out of context with the existing and planned character of the surrounding neighbourhood which would result in a negative impact to the streetscape character. As such, staff is of the opinion that variances #1-8 and 10 do not represent orderly development of the lands and are not minor in nature.

## Conclusion

The Planning and Building Department has no objections to variance #9, however, recommend that the remaining variances be refused.

Comments Prepared by: Lucas Petricca, 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 construction of an addition and accessory structure will be addressed through the Building Permit process.









Comments Prepared by: David Martin, Supervisor Development Engineering

## Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 20-79. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport(as a detached garage) in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
8. The carport eave overhanging of 0.55m (approx. 1.801ft) into the required front yard whereas the max permitted eave overhanging encroaching into the required yard is 0.45m (approx. 1.471ft). ;
10. A side yard measured to the carport of 1.52m (approx. 4.981ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance.

Please note: No. 8 and No.10, have been replaced with two new comments as amended, as A 369/08 for the insufficient attachment length of garage to the dwelling and A 486//87 for the insufficient side yard setback of garage have been already approved.



Comments Prepared by: Shahrzad (Sherri) Takaloo, Zoning Examiner

## **Appendix 5 – Region of Peel Comments**

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within the above-mentioned designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 7 - Ministry of Transportation of Ontario**

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer