

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-09 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A415/20 Ward: 3
	Meeting date: 2020-12-17

Consolidated Recommendation

The City does not object to the requested variances, as amended. However, the applicant may choose to defer the application to ensure that additional variances are not required.

Application Details

The applicants request the Committee to approve a minor variance to allow:

1. A lot coverage of 38% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
2. A driveway width of 6.10m (approx. 20.01ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance;
3. A front yard landscaped soft area of 34% of the front yard whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped soft area of 40% of the front yard in this instance; and
4. A setback to a walkway of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a walkway of 0.61m (approx. 2.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff note Variance 3 is not required because the MR1 zone does not contemplate a specific soft-landscaped area within the By-law.

Background

Property Address: 765 Annamore Road

Mississauga Official Plan

Character Area: Applewood Neighbourhood Character Area
Designation: Residential Low Density II

Zoning By-law 0225-2007

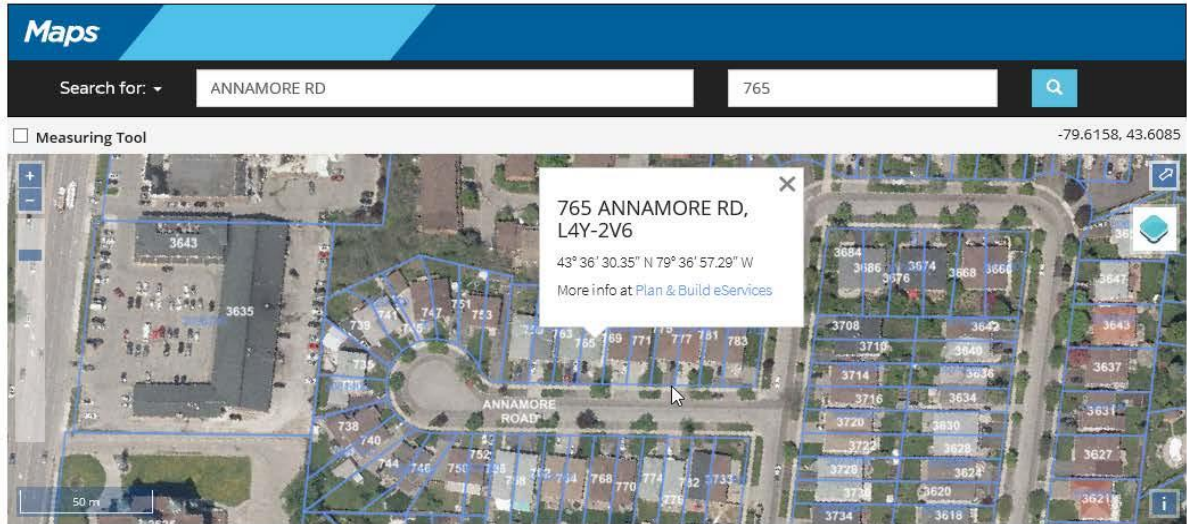
Zoning: RM1 (Residential)

Other Applications:
None

Site and Area Context

The property is located south-east of the Burnhamthorpe Road east and Cawthra Road intersection, and currently houses a semi-detached dwelling. Contextually, the surrounding neighbourhood consists exclusively of semi-detached dwellings. The properties within the immediate area are situated upon parcels possessing lot frontages of +/- 9.0m, with minimal vegetation or natural landscape elements within the front yards.

The subject property is an interior parcel, with a lot area of approximately +/-350.14m² and a lot frontage of approximately +/- 9.19m with minimal vegetation or landscape elements present in the front and rear yard.



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 site is located within the Applewood Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings, duplex dwellings, and Triplexes. 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 variances, as requested, meet the purpose and general intent of the Official Plan.

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

The applicants request the Committee to approve minor variances to allow:

Variance 1 as requested, pertains to lot coverage:

The intent of this portion of the Zoning By-law is to ensure there isn't an overdevelopment of the lot. Planning Staff note that the proposal includes a rear open faced deck which does not contribute to the overall massing, or negatively impact abutting lots. Variance 1 as requested, meets the requirements of Section 45(1) of the Planning Act.

Variance 2 as requested, pertains to driveway width:

The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to accommodate two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). While the requested 6.10m wide driveway is greater than the maximum driveway width of 5.20m, it results in a driveway width that can only accommodate two vehicles parked side-by-side. As a result, the variance meets the general intent and purpose of the zoning bylaw.

Variance 3 as requested, pertains to soft landscaping:

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; the RM1 zone does not require a specific soft-landscaped area, therefore staff note that variance 3 does not apply.

Variance 4 as requested, pertains to a walkway:

The intent of this portion of the by-law is to ensure that decorative paving, and other hard

surfaced landscape material maintain a minimum setback to any rear lot line of 0.61m. Although Planning Staff does not typically support anything less than 0.3m, to ensure adequate drainage however, we would note that the walkway is located in a small portion of the rear yard. And Transportation and Works note there are no drainage concerns resulting from the walkway. Variance 4 as requested, meets the general intent and purpose of the zoning bylaw.

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

While the Applicant is required to seek relief from multiple portions of the By-law, when viewed either individually or collectively, these variances are nominal in nature and do not pose significant negative impacts. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

Conclusion

Based upon the preceding information, Planning Staff has no objection to the variances, as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property. We note that we have no objections to variances 1, 2 & 3 which pertain to lot coverage, driveway width and front yard landscaped soft area. With regards to variance 4 pertaining to a reduced setback to the walkway of 0.20m, from our site inspection we observed no evident drainage related concerns with the walkway as constructed. This property has a split drainage pattern and there is a significant slope towards both the front and rear yards and the 0.20m (approx.. 0.66ft) allows drainage not to be impeded.







Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 17th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-321/20

Consent Application: B-70/20

Minor Variance Applications: A-398/20, A-413/20, A-415/20

Comments Prepared by: Diana Guida, Junior Planner