

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-19 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A179.21 Ward: 1
	Meeting date:2021-05-27 1:00 PM

## Consolidated Recommendation

The City has no objections to variances #1 and 2, however recommend that variance #3 be refused. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the accessory structures on the subject property proposing:

1. A height of an accessory structure (play equipment) of 4.38m (approx. 14.37ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance;
2. A height of an accessory structure (shed) of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance; and
3. A setback measured to a lot line from hardscape material of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line form hardscape material of 0.61m (approx. 2.00ft) in this instance.

## Recommended Conditions and Terms

We would request that the shed be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent lot behind the shed.

## Background

**Property Address:** 1256 Mineola Gardens

**Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

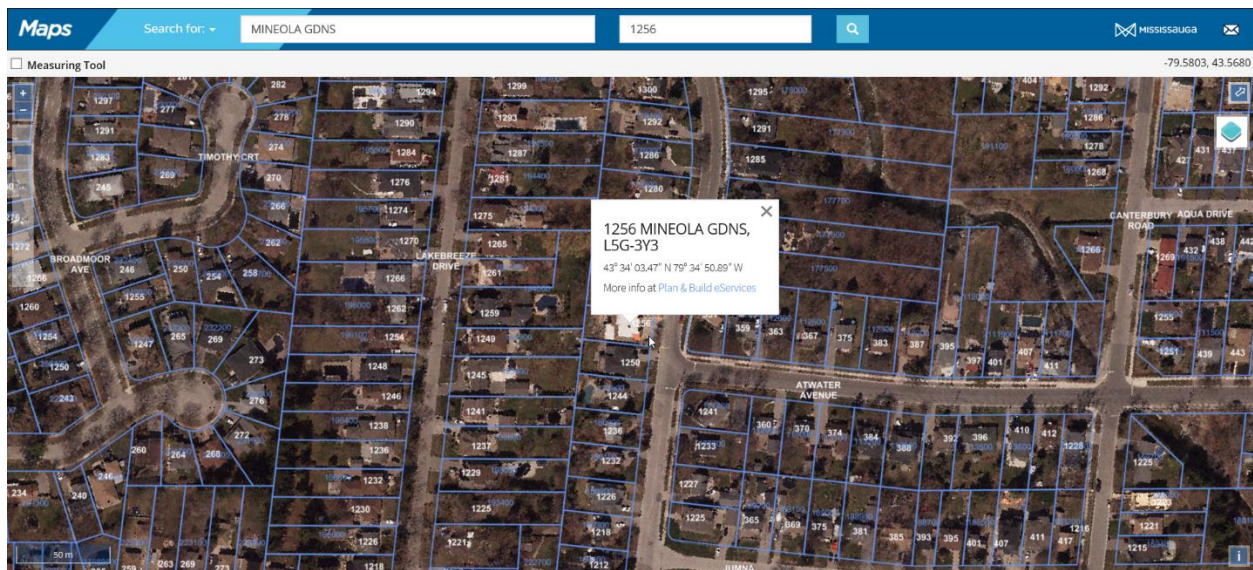
### Zoning By-law 0225-2007

Zoning: R3-1 - Residential

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra Road and Atwater Avenue. The neighbourhood consists of one and two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation within the front yard.

The applicant is proposing variances related height and a deficient side yard to permit the existing play structure, accessory structure and hard surfacing.



## 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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. 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 proposed play structure maintains a sufficient setback to neighbouring properties. The second accessory structure is located on the southerly portion of the rear yard and does not present significant massing concerns to the abutting property. Regarding variance #3, the deficient side yard measured to the hard surfacing may negatively impact the abutting property regarding drainage. Staff is of the opinion that variance #1 and 2 maintain the general intent and purpose of the official plan.

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

Variance 1 proposes a play equipment structure with a height of 4.38 m whereas a maximum of 3 m is permitted. The intent of the zoning by-law is to ensure that the height of an accessory structure does not present any massing concerns to neighbouring lots. The increased height is measured to the awning which is not fully enclosed and does not have the same impact as a fully enclosed roof. This minimizes any potential massing concerns to abutting properties as a result of the accessory structure. Additionally, the structure maintains a sufficient setback to the interior and rear lot line, further mitigating the impact of the increased height. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a height of 3.32 m for an accessory structure whereas a maximum of 3 m is permitted. The proposed increase is a minor deviation from the zoning by-law and does not present any additional concerns regarding massing from what is currently permitted. As such, staff is of the opinion that the variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature.

Variance #3 proposes a setback of 0 m whereas a minimum setback of 0.61 m is required. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties and that it is large enough to mitigate any potential drainage concerns. The proposed 0 m setback does not provide a sufficient buffer between the abutting properties. Staff generally recommends a setback of 0.30 m which could accommodate a swale should one be required in the future. As such, staff is of the opinion that the intent of the zoning by-law is not maintained.

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

The proposed play equipment structure maintains a sufficient setback to neighbouring properties and is measured to the peak of the awning. The additional height of the awning does not present any significant massing concerns to the abutting property as it is partially open and does not entirely enclose the structure. Regarding variance #3, staff generally recommends a 0.30 m setback to accommodate swale should one be required in the future to address any drainage concerns. As such staff cannot support a setback of 0 m. Staff is of the opinion that variances #1 and 2 represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to variances #1 and 2, however recommend that variance #3 be refused. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos showing the existing play structure, shed and hard surface areas. We would request that the shed be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent lot behind the shed.







Comments Prepared by: John Salvino, Development Engineering Technologist

## 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: Daniel Grdasic, Planning Associate

City Department and Agency Comments	File:A179.21	2021/05/19	7
-------------------------------------	--------------	------------	---

---

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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner