

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A245.20 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

### Consolidated Recommendation

The City has no objection with variance #1-3 however recommends that variance #4 be refused. 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 the existing accessory structures to remain on the subject property proposing:

1. A rear yard measured to a shed from a G1 Zone of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a shed from a G1 Zone of 5.00m (approx. 16.40ft) in this instance;
2. An occupied area of a shed of 10.14sq.m (approx. 109.15sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of a shed of 10.00sq.m (approx. 107.64sq.ft) in this instance;
3. A height of a shed of 3.4m (approx. 11.15ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and
4. A side yard measured to a shed of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a shed of 0.61m (approx. 2.00ft) in this instance.

### Amendments

The Building Department is currently processing a Building Permit under file BP 9SMAL 21-5454. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

3. A height of a shed of 3.42m (approx. 11.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and
4. A side yard measured to a shed of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a shed of 1.2m (approx. 3.94ft)

in this instance.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note an additional variance should be added:

5. An occupied area of a shed of 11.1sq.m (approx. 109.15sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of a shed of 10.00sq.m (approx. 107.64sq.ft) in this instance;
6. A height of a shed of 3.35m (approx. 11.15ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and

## Background

**Property Address:** 6237 Miller's Grove

### Mississauga Official Plan

Character Area: Meadowvale Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

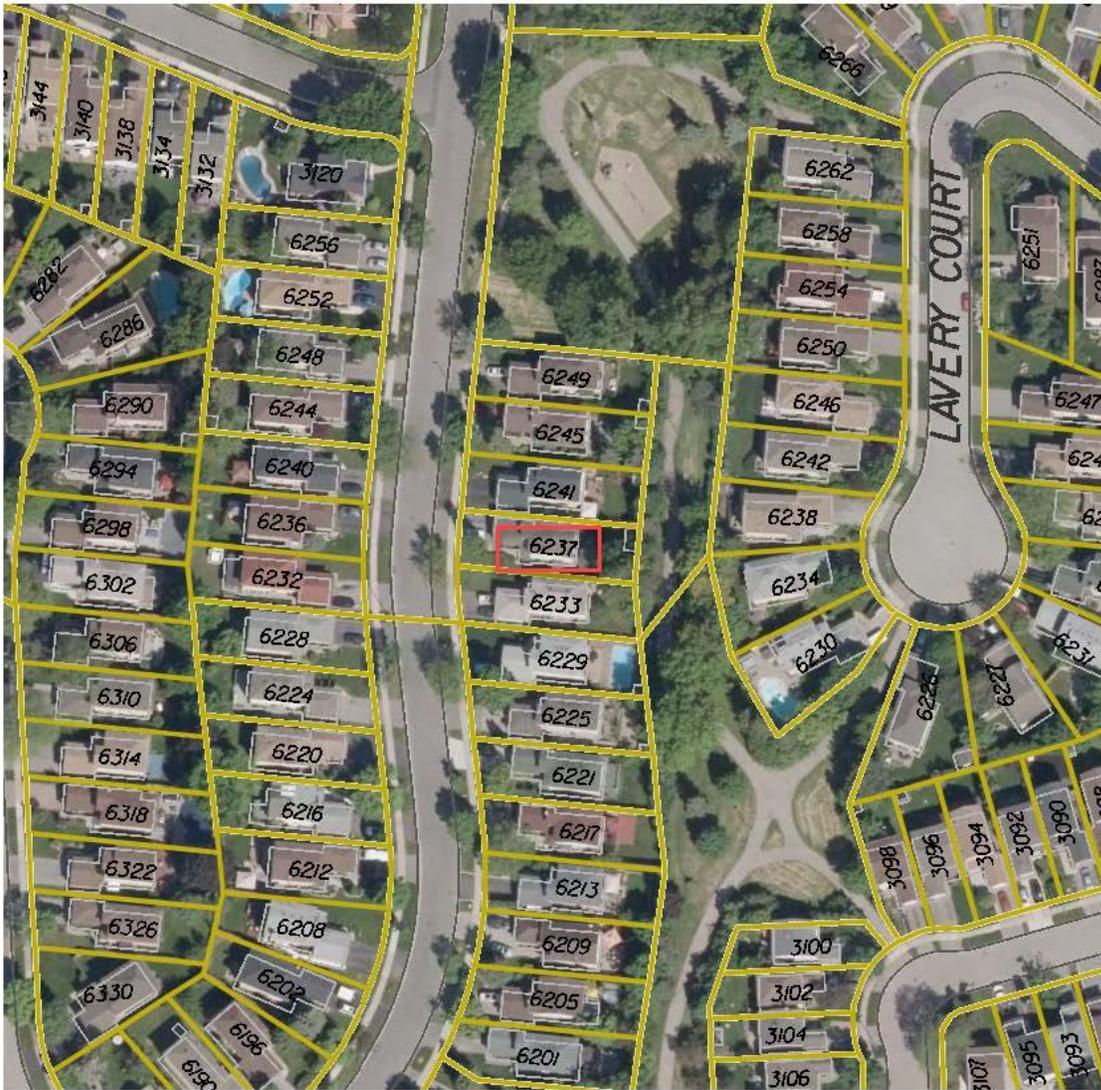
**Zoning:** R4 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located north-east of the Tenth Line W and Miller's Grove intersection. The subject property is an interior parcel with a lot area of +/- 465.20m<sup>2</sup> and a lot frontage of +/- 12.21m. The property currently houses a two-storey, detached dwelling with minimal vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised exclusively of residential detached dwellings with minimal vegetation and landscape elements within the front yards. The properties within the immediate area possess lot frontages of +/- 12.0m.

The existing two (2) sheds on the property require variances for side and rear yard setbacks, height and occupied area.



## 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 Meadowvale Neighbourhood Character Area, and is 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 continued residential use of the property is in line with this designated land use; however, the proposed location of Shed #2, combined with its massing, and non-complaint size, ultimately disregards the permissible setbacks resulting in what appears to be an addition to the house and encumbrance to the rear yard. This type of development does not suitably respect the existing or planned massing of the character area. Variance #4 does not maintain the purpose or general intent of the Official Plan.

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

Variance #1-#3 pertain to shed #1 located at the rear of the property:

As per Zoning By-law 0225-2007, the subject property is zoned R4 (Residential). With reference to Table 4.1.2.2 (Accessory Buildings and Structures), Shed #1 proposes a size of 10.14m<sup>2</sup> an increased height of 3.4m and a rear yard setbacks of 0.05m. This application previously came to the committee on August 25, 2020 and was deferred based on Staff's original recommendation of refusal. The applicant has since reduced the size of Shed #1. The general intent of this portion of the Zoning By-law is to ensure that access around the structure and drainage remain unencumbered to facilitate any required maintenance of the structure as well as to establish a visual and physical buffer between the neighbouring properties.

The subject property abuts City owned greenlands that include a pedestrian trail system. The intent in providing setbacks to Greenland Zones is to ensure that any proposed development will not have significant or lasting negative impacts upon any neighbouring environmentally sensitive features. Planning Staff note the absence of environmentally sensitive features in this instance.

The proposed deficiencies are marginal in nature and will not impact the abutting greenlands at the rear of the property, nor will there be access, drainage or massing concerns to the neighbouring properties. Staff finds variances #1-#3 maintain the general intent and purpose of the zoning bylaw.

Variance #4 pertains to shed #2:

The requested relief disregards the required side yard setback. Planning Staff note that, from a streetscape perspective, the accessory structure appears to be a residential addition to the primary dwelling extending towards the lot line. The siting of the accessory structure produces a significant amount of massing in an area where such construction should be absent. It is further exacerbated by the structure's seemingly non-compliant height of 3.35m and increased size of 11.15m<sup>2</sup>. These measurements were confirmed through correspondence with the Applicant and the original drawings provided. Variance #4, as requested, does not maintain the purpose or general intent of the Zoning By-law.

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

Based upon the provided drawings Variance #1-#3 pose insignificant impacts to the neighbouring properties. Planning Staff are of the opinion that the variances related to shed #1 are minor in nature and represents the orderly development of the lands. With regards to Shed #2, Planning Staff are of the opinion that the proposed variances are not compatible with the planned context of the surrounding neighbourhood and not minor in nature. As a result, the proposed variances does not represent the orderly development of the lands.

## **Conclusion**

Based upon the preceding information, the City has no objection with variance #1-3 however recommend that variance #4 be refused. 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

This department has no objections to the applicant's request to allow the existing accessory structures to remain. The rear shed has been constructed at what appears to be a high point in the rear yard and any drainage would be directed towards the front of the dwelling which is at a lower elevation. The shed which is located next to the house has been constructed in a manner where drainage is still able to drain between the properties towards the front of the dwelling.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9SMAL 21-5454. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

5. A height of a shed of 3.42m (approx. 11.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and
6. A side yard measured to a shed of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a shed of 1.2m (approx. 3.94ft) in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Millgrove Trail (P-196).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner

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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner