

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A245.21 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 1:00 PM

## Consolidated Recommendation

The City has no objections to the application, as requested.

## Application Details

The applicant requests the Committee to approve a minor variance to permit accessory structures proposing:

1. A combined area of accessory structures of 30.94sq.m (approx. 333.04sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined area of accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance;
2. An area of an accessory structure (arbour trellis) of 20.09sq.m (approx. 216.25sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance;
3. A rear yard measured to a fireplace chimney of 0.38m (approx. 1.25ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a fireplace chimney of 0.61m (approx. 2.00ft) in this instance;
4. A fireplace chimney height of 3.81m (approx. 12.50ft) whereas By-law 0225-2007, as amended, permits a maximum fireplace chimney height of 3.00m (approx. 9.84ft) in this instance; and
5. An accessory structure (garden shed) height of 3.35m (approx. 10.99ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 6633 Eastridge Road

**Mississauga Official Plan**

Character Area: Meadowvale Neighbourhood

Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

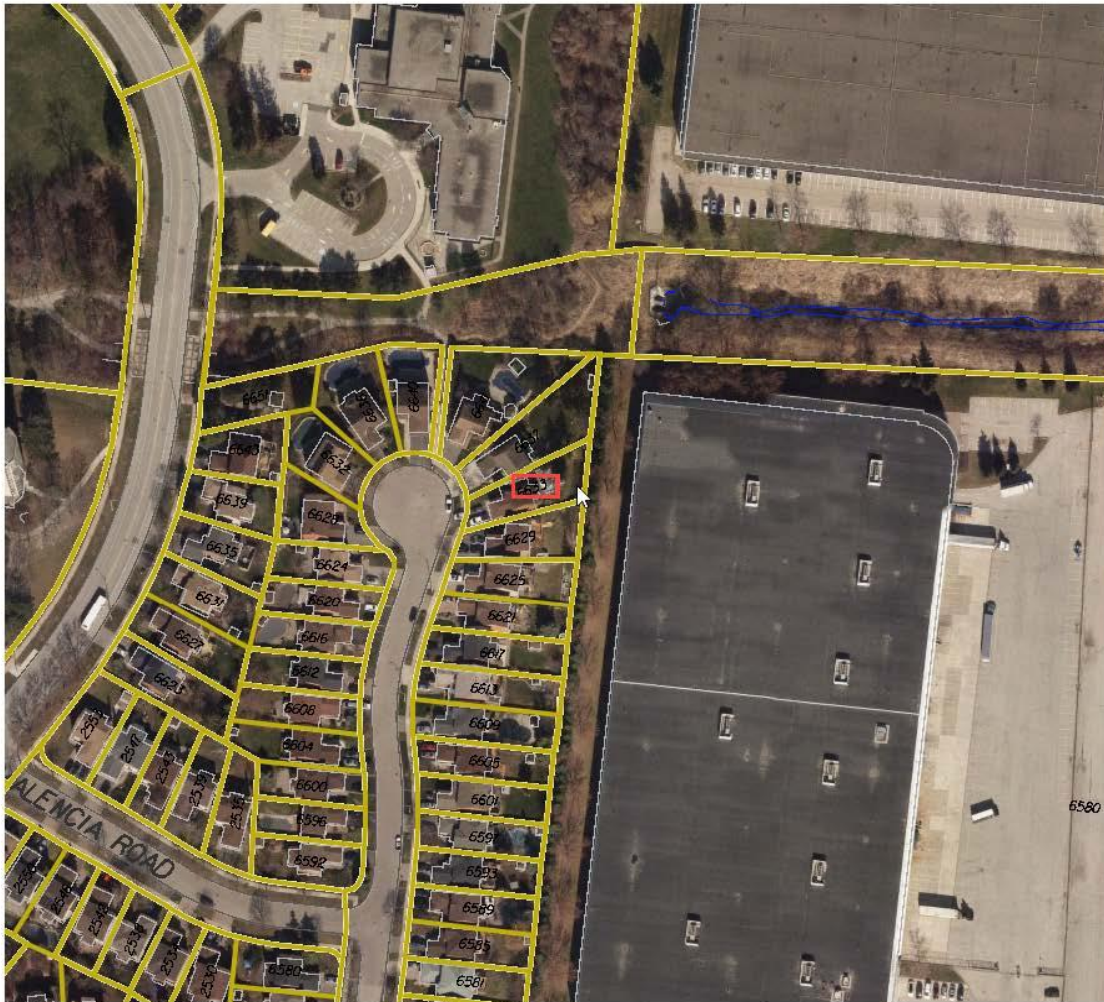
**Zoning: R4-12 - Residential**

**Other Applications:** PREAPP 20-2716

### **Site and Area Context**

The subject property is a pie shaped lot located within the Meadowvale Neighbourhood Character Area, north-west of the Erin Mills Parkway and Battleford Road intersection. The property is an interior lot on the edge of the subdivision, backing on to industrial buildings that front onto Millcreek Drive. This portion of Eastridge Road is a cul-de-sac which contains exclusively two storey detached dwellings. The lot has an area of +/- 567.04m<sup>2</sup> and a frontage of +/- 12.29m.

The applicant is proposing landscaping and accessory structures in the rear yard with required variances for floor area, height, and setbacks.



## 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), in the Meadowvale Neighbourhood Character Area, which permits detached, semi-detached, and duplex dwellings. 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 accessory structures are in the rear of the property, separated from the public realm. The structures are compatible with the surrounding area and do not pose any significant impact to the abutting properties. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The proposed accessory structures require variances related to floor area, height and setbacks. The intent of the accessory structure regulations is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory to the primary use of the lot while not presenting any massing concerns to neighbouring properties.

Variances # 1 & 2 relate to the floor area of the accessory structures. The combined floor area of all of the structures exceeds the by-law by 0.94m<sup>2</sup>. Staff are of the opinion that this will have no significant impacts on the surrounding properties. While a floor area variance is required for the proposed trellis, staff have no concerns with the increased floor area as the trellis is a predominantly open structure resulting in no massing concerns. Furthermore, the structure is centrally located in the rear yard, away from abutting residential properties. It is Planning Staff's opinion that variances # 1 & 2 meet the general intent and purpose of the Zoning By-law.

Variances # 3 & 4 relate to a proposed outdoor fireplace chimney connected to the proposed trellis. With the fireplace being located away from the neighbouring residential properties, near the centre of the rear lot line, any impact of the proposed increase in accessory structure height is mitigated. Furthermore, the reduced property line setback is to an industrial property, at the rear of both properties. It is the opinion of staff that the variances relating to the fireplace meet the general intent and purpose of the Zoning By-law.

Variance # 5 is for the height of an accessory shed. The shed meets all required size and setback requirements, and the height is measured to the peak of a sloped roof. Staff have no concerns with the shed as proposed and are satisfied that the required variance will not negatively impact abutting residential properties.

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

Staff is of the opinion that the proposed accessory structures will not have any significant impacts on neighbouring properties and represent appropriate development of the subject lands. As such, the variances are minor in nature and result in the orderly development of the subject property.

## **Conclusion**

The Planning and Building Department has no objections to the application, as requested.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the rear yard and the areas where the accessory structures are being proposed. We have reviewed the Grading Plan (Plan C-20590) approved for this property under Registered Plan of Subdivision M-530 which reflects the existing grading on the property. This plan shows the high point in the rear yard being approximately in the middle of the lot and from that point drainage is equally directed into the rear yards of both abutting properties.

Acknowledging that a number of accessory structures and a swimming pool is being proposed, any alterations to the grading in the rear yard should adhere to the Grading Plan (Plan C-20590) originally approved for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit application under file PREAPP 20-2716. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 12/02/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner