

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A295.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. A setback measured from an accessory structure (shed 1) to an interior side lot line and rear lot line of 0.52m (approx. 1.71ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from an accessory structure to an interior side yard and rear yard of 0.61m (approx. 2.00ft) in this instance;
2. A side yard measured to an accessory structure (shed 2) located in an interior side yard of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to an accessory structure located in an interior side yard of 1.80m (approx. 5.90ft) in this instance; and
3. A building height of a gazebo of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height of a gazebo of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 2434 Whaley Drive

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

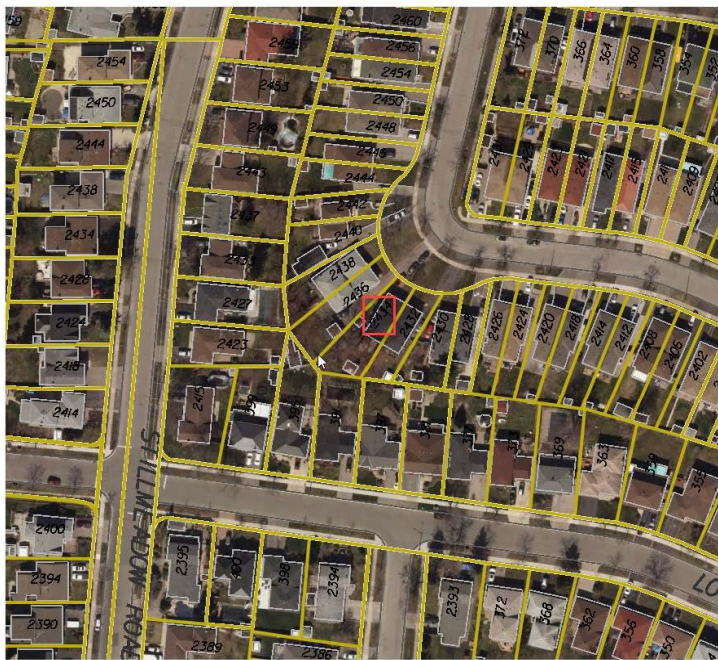
**Zoning:** RM1 - Residential

**Other Applications:** BP 9NEW 19-8665

## Site and Area Context

The subject property is located north-east of the Queensway West and Stillmeadow Road intersection in the Cooksville Neighbourhood Character Area. The property contains a back split semi-detached dwelling with a shared driveway and no garage. Semi-detached dwellings represent the predominant built form along this portion of Whaley Drive, however detached dwellings are also present in the surrounding neighbourhood. The subject property has an area of +/- 474.47m<sup>2</sup>. Some vegetation is present in both the front and rear yards.

The applicant is proposing to legalize accessory structures in the rear yard requiring variances for setbacks and height.



## 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 located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density II in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the 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. Accessory structures in rear yards are common in this area and staff are of the opinion that the layout of the lot is compatible with the surrounding context and the landscape of the character area. Staff are 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?**

All of the requested variances relate to accessory structures on the subject property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing or overlook concerns to neighbouring lots.

Variances #1 and 2 relate to side yard setbacks for two sheds on the subject property. Staff are satisfied that the sheds are proportional to the lot and do not create inappropriate massing near the property line and leave sufficient space for required maintenance. The sheds are appropriately sized for the lot and do not require variances for height and floor area. While variance #2 has an increased side yard requirement due to its location in an interior side yard, staff note that due to the shape of the subject property access to the rear yard remains unencumbered and an appropriate separation is provided between the primary structure and the accessory structure.

Variance #3 relates to the height of the rear yard gazebo. The proposed gazebo is an open frame structure which mitigates any massing concerns. Further, the height is measured to the top of the sloped roof rather than the entirety of a flat roof, reducing the impact of the height on neighbouring properties.

Staff are satisfied that all three variances maintain the general intent and purpose of the by-law.

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

Staff are satisfied that any potential impacts of the proposed accessory structures will be minor in nature and do not represent a significant deviation from what is permitted as of right under zoning regulations. The requested variances represent the appropriate development of the subject lands.

**Conclusion**

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

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos which depict the subject property and accessory structures/gazebo. From our site inspection of this property we do not foresee any drainage related concerns with the location of the structures and gazebo.

We do note that a small portion of the gazebo does encroach into the limits of what appears to be a utility easement, but note that access to this easement has not been restricted by the gazebo structure.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9NEW 19-8665. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application submitted on 2021/03/30 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: Jeanine Benitez, Zoning Examiner