

# City of Mississauga Department Comments

Date Finalized: 2021-09-08	File(s): A377.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-16 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variance, as amended. 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 an accessory structure proposing a setback measured to a side lot line of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum setback of an accessory structure measured to a side lot line of 1.20m (approx. 3.93ft) in this instance.

### Amendments

While Planning staff are not in a position to provide an interpretation of the Zoning By-law, staff note the variance should be amended as follows:

1. A setback of an accessory structure measured to a side lot line of 0.56m (approx. 1.83ft) whereas By-law 0225-2007, as amended, requires a minimum setback of an accessory structure measured to a side lot line of 1.20m (approx. 3.93ft) in this instance.

## Background

**Property Address:** 1345 Madigan's Lane

### Mississauga Official Plan

**Character Area:** Clarkson – Lorne Park Neighbourhood  
**Designation:** Residential Low Density I

**Zoning By-law 0225-2007****Zoning: R2-4 - Residential****Planning Applications: None****Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Mississauga Road and Indian Road. The surrounding neighbourhood consists of commercial, institutional and residential uses. The residential housing consists of older and newer two storey dwellings on large lots with significant mature vegetation in both the front and rear yards. The subject property contains an existing two storey dwelling with young vegetation in both the front and rear yards.

The application proposes an addition requiring a variance related to setback of an accessory structure.

**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:

The site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The proposed structure is permitted within this designation. Staff is of the opinion that the intent and purpose of the Official Plan is maintained.

The applicant has requested a reduced setback of an accessory structure measured to a side lot line of 0.56m (1.84 ft.) when a minimum of 1.2m (3.94 ft.) is required. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff is of the opinion that the proposed setback provides an adequate buffer from the lot line. Furthermore, Staff believes the proposal would not cause any significant impacts to the adjacent property to the north, as the property to the north is a deep lot and the accessory structure on the subject property would be facing the neighbouring property's rear yard. The applicant is also not seeking any additional variances for accessory structure height or size. Lastly, access to the rear yard would remain unencumbered, as the interior setback on the south side of the property is 2.4m (7.87 ft.). Staff is of the opinion that the intent and purpose of the zoning by-law is maintained.

The proposed side yard setbacks provide an adequate buffer to structures on adjoining properties and ensure access to the rear yard is unencumbered. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing shed. The pictures show that the shed has been constructed over top of an existing swale that is required to drain the rear yard of the property. The shed has been constructed in such a manner to not impede the drainage within the swale. We advise that our Development Construction Section has been on site previously and have no objections to the location of 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: Brandon Eidner, Zoning Examiner