

City of Mississauga Department Comments

Date Finalized: 2021-09-08	File(s): A108.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-16 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1-4, however recommends that variance 5 be refused. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that no additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure (gazebo) proposing:

1. A lot coverage of an accessory structure of 14.99sq.m (approx. 161.35sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of an accessory structure of 10.00sq.m (approx. 107.64sq.m) in this instance;
2. An accessory structure height of 3.63m (approx. 11.91ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
3. An accessory structure with a dimension of 4.05m (approx. 13.3ft) by 4.23m (approx. 13.9ft) whereas By-law 0225-2007,, as amended, permits a maximum accessory structure of 3m x 3m (approx. 9.85ft.)
4. An accessory structure (outdoor fireplace) with a height of 3.44m (approx 11.39ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 11.91ft); and,
5. An interior side yard setback of an accessory structure (outdoor fireplace) of 0.075m (approx. 0.25ft) whereas By-law 0225-2007, as amended, permits an interior side yard setback of 0.61m (approx. 2ft).

Amendments

1. An occupied area of an accessory structure of 14.99sq.m (approx. 161.35sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of per accessory structure of 10.00sq.m (approx. 107.64sq.m) in this instance;

3. A lot coverage of 44.63 % (172.46 sq.m.) for the zone R4, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% (154.57 sq.m.) for zone R4.

Background

Property Address: 6736 Lisgar Drive

Mississauga Official Plan

Character Area: Lisgar Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

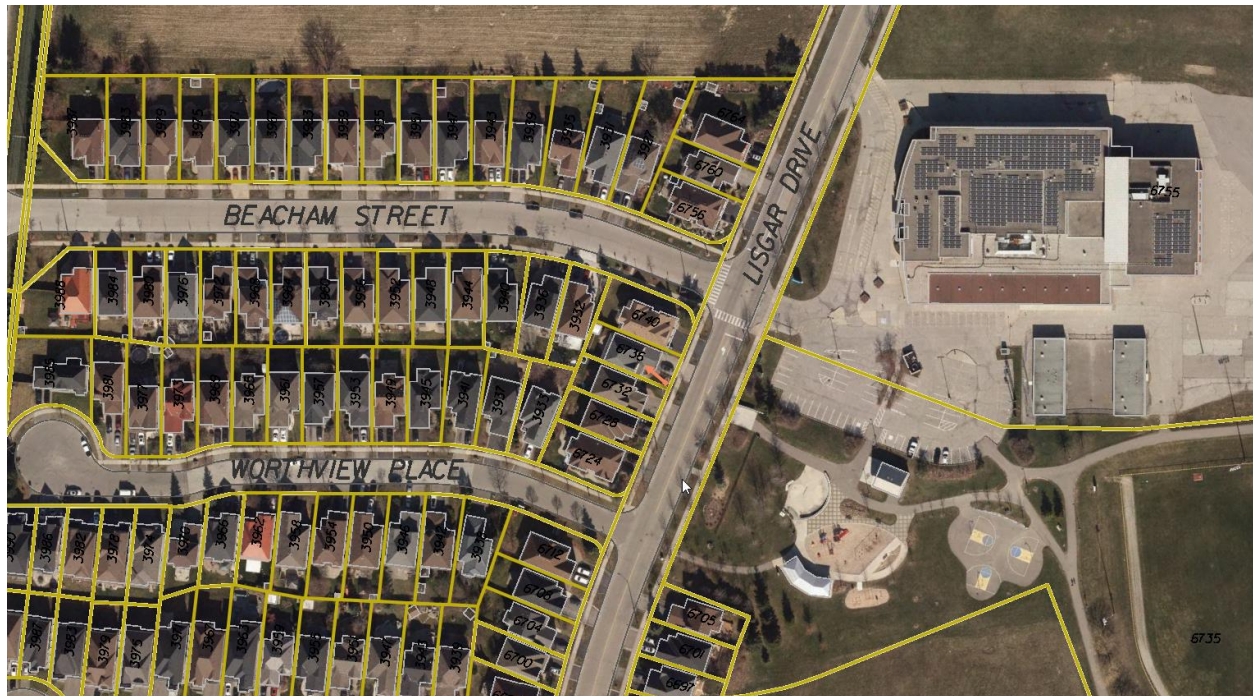
Zoning: R4 - Residential

Other Applications: BP 9NEW 19-6630

Site and Area Context

The property is located south-east of the Ninth Line and Beachman Street intersection, and currently houses a two-storey detached dwelling with minimal vegetation and landscape elements in the front and rear yards. The subject property has a lot area of +/- 386.42m² (4,159.53 sq.ft.) and a lot frontage of +/- 11.99m (39.34 ft.). Contextually, the surrounding neighbourhood consists of two-storey detached dwellings. The properties within the immediate area possess lot frontages of +/- 12.0m (39.37 ft.), with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing a new accessory structure requiring variances related to lot coverage, setback, dimensions 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 Lisgar Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other 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 structure is accessory to a detached dwelling, which is a permitted use in this designation. The application therefore maintains 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 requests an increased floor area for an accessory structure. 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 concerns to neighbouring lots. The proposed increase is relatively minor and the structure fits appropriately on the subject property. Furthermore the massing concerns are mitigated as the structure is mostly open.

Variances 2 & 4 requests an increase in height for the gazebo and fireplace. The intent of the provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the height for the gazebo is measured to the peak of the roof located in the centre of the structure and does not create the same massing concerns as if the request was to a flat roof. Furthermore the fireplace is a relatively small structure attached to and shorter than the gazebo, so its massing would be combined with that of the gazebo.

Variance 3 has been amended by Zoning staff to reflect an overall lot coverage variance. The intent of the lot coverage provisions in the By-law are to ensure the lot is not overdeveloped. Staff are satisfied that the proposal does not represent an overdevelopment of the lot and results in an accessory structure that is appropriately sized for the property.

Staff are satisfied that the above requests maintain the general intent and purpose of the Zoning By-law. Staff do note, however, that the building permit drawings do not include the fireplace which may impact the required variances and any approval granted by the Committee.

Variance 5 requests a reduced setback measured to the fireplace. The intent of setback provisions in the Zoning By-law is to ensure a sufficient buffer between structures on properties and to facilitate maintenance of structures on the property. Staff have concerns that the proposed setback provides an insufficient buffer between properties and would potentially prohibit future maintenance on the fireplace. Furthermore staff are concerned about the potential impact of smoke from the fireplace on the abutting property and drainage concerns as noted by the Transportation & Works Department.

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

Staff are of the opinion that variances 1-4 represent appropriate development of the property and are minor in nature. They facilitate the creation of a desirable rear yard amenity area that is appropriate for the subject property. Variance 5, however, poses multiple concerns and the impact on the abutting property cannot be considered minor in nature.

Conclusion

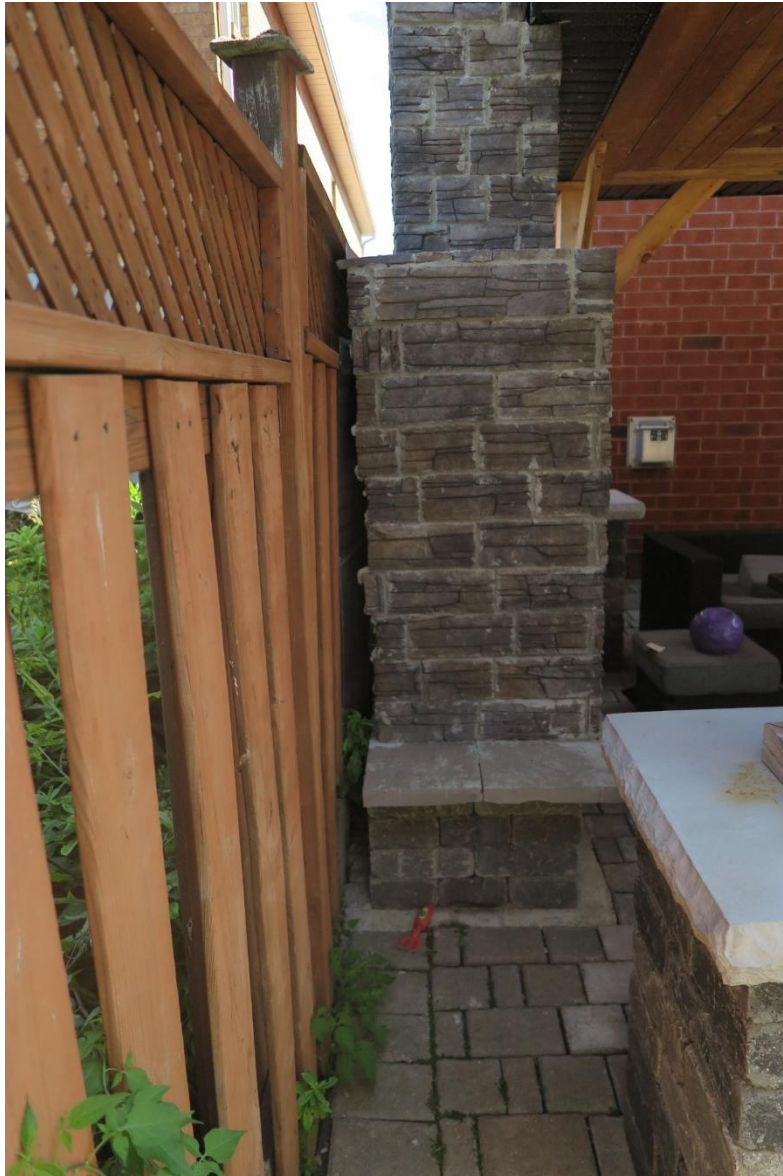
Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As we indicated in our previous comments the Grading Plan approved for this property depicted a split drainage pattern where the high point was approximately at the rear of the dwelling. The accessory structure constructed does have an adequate setback from the fence, however the fireplace/structure and interlocking pavers constructed could slightly impede the minimal amount of drainage which was intended to be accommodated through this area.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP19-6630. Based on information provided and latest zoning review of this permit application on 2021-Feb-22, we advise the variance comments:

1. An occupied area of an accessory structure of 14.99sq.m (approx. 161.35sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of per accessory structure of 10.00sq.m (approx. 107.64sq.m) in this instance;

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3. A lot coverage of 44.63 % (172.46 sq.m.) for the zone R4, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40% (154.57 sq.m.) for zone R4.

Note: There is no fireplace on building permit (BP19-6630) drawings and documents provided by applicant; therefore, zoning is not able to comment the By-law compliance/non-compliance of the fireplace/any other accessory structure.

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: Sherri Takaloo – Zoning Examiner