

City of Mississauga Department Comments

Date Finalized: 2021-09-28	File(s): A394.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to permit accessory structures (3 sheds) proposing:

1. An interior side yard measured to a shed (shed 1) of 0.04m (approx. 0.13ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance;
2. A rear yard measured to a shed (shed 1) of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a shed of 0.61m (approx. 2.00ft) in this instance;
3. An interior side yard measured to a shed (shed 2) of 0.03m (approx. 0.10ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a shed of 0.61m (approx. 2.00ft) in this instance;
4. A rear yard measured to a shed (shed 2) of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a shed of 0.61m (approx. 2.00ft) in this instance; and
5. An interior side yard measured to a shed (shed 3) of 0.06m (approx. 0.20ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a shed of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 1206 Northaven Drive

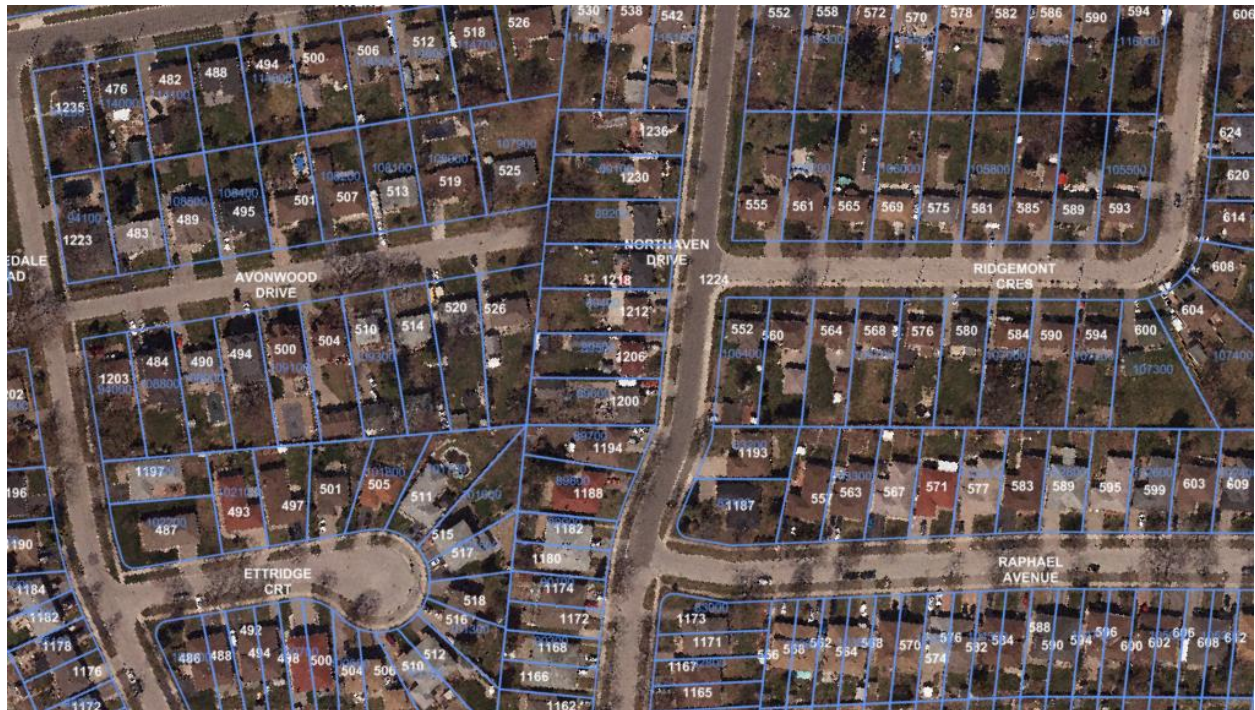
Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R3-1 - Residential****Other Planning Applications:** None**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and Atwater Avenue. The neighbourhood is entirely residential, consisting mostly of older one storey detached and semi-detached dwellings and newer two storey detached dwellings on lots with vegetation in the front yards. The subject property is a one storey detached dwelling with vegetation in the front yard.

The application proposes three accessory structures (sheds), requiring variances for rear yards and interior side yards.



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 situated within the Mineola Neighbourhood Character Area, which is designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex 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 structure is permitted within this designation; Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

The applicant is requesting relief to permit three accessory structures (sheds) with deficient rear and side yard setbacks. The intent of the setback requirements contained in the zoning by-law is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. The variances requested are inadequate and provide almost no buffer between the accessory structures and adjoining properties. The heights of the structures is unknown, therefore the potential massing impacts to neighbouring properties cannot be determined. Based on the drawings provided by the applicant, staff is of the opinion that the number of structures contained in the rear yard, coupled with the existing detached dwelling, creates an overdevelopment of the property. Furthermore, Zoning staff have indicated to Planning staff that additional variances would likely be required to permit the proposal. As such, the variances do not meet 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?

Staff find the proposed setbacks measured to the accessory structures are inadequate. Additional variances are likely required to facilitate the proposal. This is an undesirable development of the land, and one whose effects are not minor in nature.

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos of the existing structure on site. Should Committee see merit in the application, we draw attention to specific locations where an eaves trough and down spout will need to be constructed:

- a) On the back side of the wooden shed that is located in front of the garage
- b) On the side of the garage flanking the neighbouring lot to the west.
- c) On the left side of the wood shed located at the very rear of the property.

All down spouts must be directed in such a manor to not impact the adjacent properties.









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.

To ensure consistency with the Zoning By-law 0225-2007, the wording may be adjusted to say “Accessory Structure (Shed 1)” instead of “Shed 1”.

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