

City of Mississauga Department Comments

Date Finalized: 2021-11-02	File(s): A446.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. 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 the construction of an accessory structure and walkway attachment proposing:

1. An occupied area of an accessory structure (cabana) of 35.48sq.m (approx. 381.90sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of an accessory structure of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
2. A walkway attachment of 2.60m (approx. 8.53ft) whereas By-law 0225-2007, as amended, requires a walkway attachment of 1.50m (approx. 4.92ft) in this instance.

Amendments

While Planning staff is not in a position to provide an interpretation of the zoning by-law, Planning staff note that Variance #2 should be amended as follows:

2. A walkway attachment of 2.60m (approx. 8.53ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 965 Whittier Crescent

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I and Greenlands

Zoning By-law 0225-2007**Zoning:** R2 - Residential**Other Applications:** Site Plan Infill – SPI-21-44 W2**Site and Area Context**

The subject property is located within the Clarkson – Lorne Park Neighbourhood, southeast of Lorne Park Road and Lakeshore Road West. The neighbourhood is entirely residential consisting of one and two storey detached dwellings on large lots with mature vegetation in the front and side yards. The subject property is a detached dwelling with mature vegetation in the front yard.

The applicant is proposing a two storey dwelling requiring variances for accessory structure area and walkway attachment width.

**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 located within the Clarkson- Lorne Park Neighbourhood Character Area, and is designated Residential Low Density I and Greenlands by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The entirety of the proposal is situated on the lands designated Residential Low Density I, which permits accessory structures and walkways. 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 and walkway are 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?

Variances #1 pertains to the accessory structure (cabana). A occupied area of an accessory structure (cabana) of 35.48m² (approx. 381.90ft²) is proposed where a maximum occupied area of an accessory structure of 20.00m² (approx. 215.28ft²) is permitted. 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 are clearly accessory, while not presenting any massing concerns to neighbouring lots. The proposed structure is clearly subordinate to the main dwelling and is proportional to the lot. The Zoning By-law permits a maximum occupied combined area of 60m² (approx. 645.835 ft²) for all accessory buildings and structures on lots with areas over 750m² (approx. 8072ft²). The proposal has met this requirement.

Variance #2 pertains to a walkway attachment. A walkway attachment of 2.60m (approx. 8.53ft) is proposed where a maximum walkway attachment of 1.50m (approx. 4.92ft) is permitted. The intent of this portion of the bylaw is to provide a convenient surface for pedestrians (not vehicles) and assists in defining an entryway to a dwelling. While the walkway attachment appears to be excessive, staff is of the opinion that the design and orientation of the walkway would not encourage automobile use.

As such, staff is of the opinion that Variances #1 and 2 meet the purpose and general intent of the Zoning By-law.

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

Planning Staff are of the opinion that this application represents the orderly development of the lands, and is minor in nature. The cabana poses no significant massing impact and does not

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impose upon the neighbouring properties. Furthermore, the proposed walkway will not encourage vehicular traffic.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the property will be addressed through the current Site Plan application SP-21/044.

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