

# City of Mississauga Department Comments

Date Finalized: 2021-10-26	File(s): A453.21 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 variance, 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 (shed) with an interior side yard setback of 0.60m (approx. 1.97ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) for an accessory structure in this instance.

## Recommended Conditions and Terms

Should Committee see merit in the applicant's request, we ask that the north side of the structure be equipped with an eaves trough and down spout directed in such a manor to not affect the neighbouring property to the north.

## Background

**Property Address:** 1335 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

**Other 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 detached dwellings on large lots with significant mature vegetation in both the front and rear yards. The subject property contains an existing two storey detached dwelling with young vegetation in both the front and rear yards.

The application proposes an addition to the detached dwelling 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 0.6m (approx. 1.97ft) when a minimum of 1.2m (approx. 3.94ft) 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. No additional variances for the addition, such as structure height or size are required, which mitigates any potential massing concerns. Lastly, access to the rear yard would remain unencumbered, as the rear yard can be accessed from a gate in the front yard on the south side of the dwelling.

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 for Committee's information are photos of the existing shed. Should Committee see merit in the applicant's request, we ask that the north side of the structure be equipped with an eaves trough and down spout directed in such a manor to not affect the neighbouring property to the north.







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