

City of Mississauga Department Comments

Date Finalized: 2021-11-03	File(s): A457.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-11 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

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

1. A side yard setback of 0.00m to the paving on the east side whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61m (approx. 2.00ft) in this instance;
2. A side yard setback of 0.23m (approx. 0.75ft) to the paving on the west side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. A rear yard setback of 0.38m (approx. 1.25ft) to the ice machine whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance;
4. A side yard setback of 0.31m (approx. 1.02ft) to the ice machine whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
5. An accessory structure area of 158.36sq.m (approx. 1,704.57sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance;
6. A combined lot coverage of all accessory structures of 21.01% whereas By-law 0225-2007, as amended, permits a combined lot coverage of all accessory structures of 5.00% in this instance;
7. A combined area of accessory structures of 168.12sq.m (approx. 1,809.63sq.ft) whereas By-law 0225-2007, as amended, permits a combined area of accessory structures of 60.00sq.m (approx. 645.84sq.ft) in this instance;
8. A side yard setback of 0.00m to the accessory structure on the east side whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61m (approx. 2.00ft) in this instance; and
9. A side yard setback of 0.23m (approx. 0.75ft) to accessory structure on the west side

whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 2113 Pear Tree Road

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

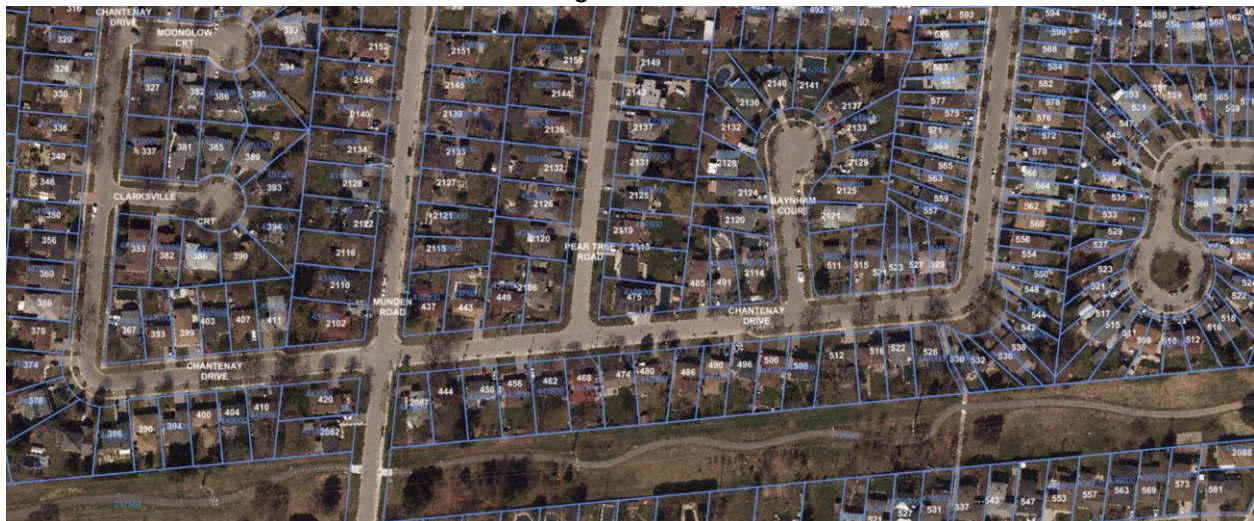
Zoning: R3 - Residential

Other Applications: PREAPP 21-7138

Site and Area Context

The subject property is located north-west of the Cawthra Road and Queen Elizabeth Way interchange in the Cooksville neighbourhood. Currently the property contains a detached dwelling with an attached garage. The surrounding context is exclusively residential, with a mix of detached and semi-detached dwellings. There is limited vegetation and landscaping in both the front and rear yards.

The applicant is proposing an accessory structure (outdoor rink with a roof structure) requiring variances for setbacks, area, and lot coverage.



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 Cooksville 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 accessory structure is significant in size and out of character with the surrounding area. It represents significant coverage and is oversized for the lot. The request therefore does not maintain the general intent and purpose of the Official Plan.

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

Variances 1, 2, 3, 4, 8 & 9 request reduced side yards on the subject property for the accessory structure, the ice machine, and the surrounding paving. These setbacks range from 0 metres to 0.38 metres where the By-law requires 0.61 metres, and there is at least one request for each of the side yards and the rear yard. The intent of side yard provisions are to ensure that: there is an appropriate buffer between structures on properties, maintenance can be performed on the structures, and adequate drainage can be provided. While certain reduced setbacks may be supportable, when considered altogether the requests create an inappropriate rear yard configuration and create concerns surrounding drainage on the subject property.

Variances 5 through 7 request an increase in accessory structure area, an increase in lot coverage for accessory structures, and an increased combined accessory structure area respectively. 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. Despite the accessory structure being predominantly open, the sheer size of the structure creates massing concerns. It significantly exceeds the permitted lot coverage for accessory structures and is not proportional to the size of the lot or the dwelling, especially when considering that the coverage of the proposed structure exceeds that of the existing dwelling on the property.

Staff are therefore of the opinion that the application fails to maintain the general intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the request is not minor in nature. It represents significant deviations from the By-law that are not envisioned for the area and is not appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos which will assist in evaluating the applicant's request. It should be noted that application 'A' 418/21 for the abutting property (485 Chantenay Drive also owned by the applicant) is scheduled for the November 4, 2021 Committee of Adjustment Hearing which is dealing with an encroachment into an existing city storm sewer easement.

In order to adequately evaluate the request to allow the accessory structure (existing rink) to remain we would request some additional detailed grading and drainage information. The applicant has provided a Site Plan (specifically Page A2) which only provides a few existing grades around the perimeter of the existing rink. Additional information is to be provided which is to depict how any drainage from the existing rink and general surrounding area will be accommodated. The additional grading information is also to provide details as to how any water collected within the existing rink will be discharged when the ice from the rink melts. Although not a matter that can be addressed by the Committee, we note that the fencing section between the subject lot and the adjacent lot notes that the "Hoarding Height 15ft-0in" appears to be in contravention of the City's Fence By-law for maximum fence height. It appears that this section of fence is constructed to stop the errant pucks from entering the adjacent property.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-7138. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/27/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner