

City of Mississauga Department Comments

Date Finalized: 2021-11-09	File(s): A484.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances #2 and 3, as amended, however, recommends that variances #5 and 6 be refused. 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 two accessory structures (sheds) proposing:

1. An accessory structure area of 19.63sq.m (approx. 211.30sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
2. An interior side yard setback of 1.07m (approx. 3.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. A rear yard setback of 0.80m (approx. 2.62ft) whereas By-law 0225-007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance;
4. An accessory structure area of 10.57sq.m (approx. 113.77sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
5. An interior side yard setback of 0.26m (approx. 0.85ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and
6. A rear yard setback of 0.33m (approx. 1.08ft) whereas By-law 0225-007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

Planning staff is not in a position to provide an interpretation of the Zoning by-law. However, staff note that the following variances should be amended as follows:

2. An interior side yard setback of 0.75m (2.46ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (3.94ft) in this instance;
5. An interior side yard setback of 0.22m (0.72ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (3.94ft) in this instance; and

Planning staff further note that the following variances should be removed:

1. An accessory structure area of 19.63m² (approx. 211.30ft²) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00m² (approx. 107.64ft²) in this instance;
4. An accessory structure area of 10.57m² (approx. 113.77ft²) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00m² (approx. 107.64ft²) in this instance;

Recommended Conditions and Terms

Should Committee see merit in the applicant's request, we ask that the new shed be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent properties.

Background

Property Address: 1559 Blenheim Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of the Cawthra Road and South Service Road. The neighbourhood consists of newer townhouses and older and newer one and two storey detached-dwellings. The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The application proposes the construction of two accessory structures (sheds) requiring variances related to setbacks and gross floor areas of the accessory structures.



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 within the Mineola Neighbourhood Character Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The proposed structures are permitted within this designation. Staff is of the opinion that the intent and purpose of the Official Plan is maintained.

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

The applicant has requested reduced setbacks for two accessory structures (sheds) measured to the side and rear lot lines. Variances #2 and 3 pertain to the “existing shed”, and variances #5 and 6 pertain to the “new shed” (as noted on the applicant’s drawings). 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. Staff is of the opinion that variances #2 and 3 propose setbacks that provide an adequate buffer from the side and rear lot lines. The proposed setbacks are not out of character, as similar deficiencies for accessory structures can be found in the immediate neighbourhood. Furthermore, no additional variances are requested, such as structure height and size, mitigating any potential massing concerns.

With respect to variances #5 and 6, staff are of the opinion that the proposed setbacks do not provide an adequate buffer from the side and rear lot lines. On Monday, November 9th, staff conducted a site visit and confirmed that the proposed setbacks would not provide enough space to access and maintain the northerly and easterly walls of the proposed structures.

Staff is of the opinion that variances #2 and 3 meet the intent and purpose of the zoning by-law, while variances #5 and 6 do not.

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

Variances #2 and 3 propose side yard setbacks that provide an adequate buffer between structures on adjoining properties. Staff is of the opinion that these variances represent the orderly development of the lands and are minor in nature. Regarding variances #5 and 6, the reduced setbacks do not provide an adequate buffer from the lot lines thereby barring any ability to maintenance the proposed structures.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing rear yard of the property including an existing shed. Should Committee see merit in the applicant's request, we ask that the new shed be equipped with an eaves trough and down spout directed in such a manner 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.

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