

City of Mississauga Department Comments

Date Finalized: 2021-11-16	File(s): A443.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-11-25 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested.

Application Details

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

1. An accessory structure area of 46.3sq.m (approx. 498.37sq.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; and
2. An accessory structure height of 4.986m (approx. 16.358ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.500m (approx. 11.483ft) in this instance.

Background

Property Address: 1266 Minaki Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

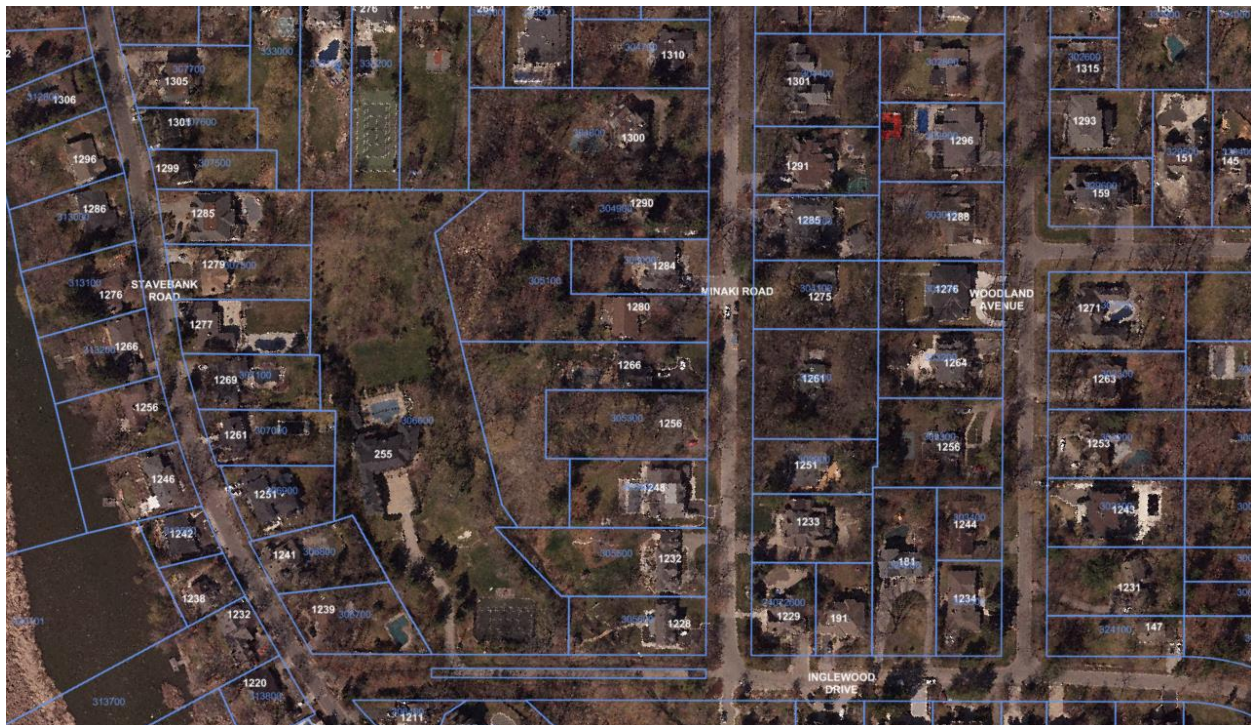
Zoning: R2-5 - Residential

Other Applications: None.

Site and Area Context

The subject property is located within the Mineola Neighbourhood, southeast of Stavebank Road and Mineola Road West. The neighbourhood is entirely residential consisting of newer and older one and two storey detached dwellings on large lots with mature vegetation. The subject property is a two storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing an accessory structure requiring variances for accessory structure height and area.



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 Mineola 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. 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 proposing an accessory structure with a height of 4.99m (16.36ft) where a maximum accessory structure height of 3.5m (11.48ft) is permitted, and a accessory structure area of 46.3m² (498.37ft²) where a maximum accessory structure area of 20.00m² (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 clearly accessory while not presenting any massing concerns to neighbouring lots.

Staff note that the proposed accessory structure area and height appear excessive. However, the total lot area of the subject property is 4,072.9m² (43,840ft²), and the accessory structure is clearly subordinate to the existing 1 and ½ storey dwelling. Therefore, the proposed structure is clearly proportional to the lot and the existing dwelling. Furthermore, the proposed accessory structure area is lower than the maximum combined area for accessory structures, being 60m² (645.8ft²). Lastly, the accessory structure is located further into the interior of the property, not directly abutting any property lines, and is screened from neighbouring properties by mature vegetation.

The proposed height of the accessory structure is concealed from the streetscape, as it is located in the rear yard and screened by mature vegetation in the front and side yards. Furthermore, the location of the accessory structure, depth of the lot and existing mature vegetation in the rear and abutting rear yards ensure the abutting properties will not be impacted by the proposal.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

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 accessory structure poses no significant massing impact and does not impose upon the neighbouring properties.

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 proposed accessory structure will be addressed through the Building Permit process, File BP 9NEW-21/8246.



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