

# City of Mississauga Department Comments

Date Finalized: 2021-11-23	File(s): A534.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

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

1. An area occupied by an accessory structure of 32.28sq.m (approx. 347.46sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied per accessory structure of 20.00sq.m (approx. 215.28sq.ft) in this instance; and,
2. An interior side yard setback of 0.97m (approx. 3.18ft) to the accessory structure whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) for an accessory structure located in the rear yard in this instance.

## Recommended Conditions

Should Committee see merit in the application, we ask that the back side of the structure be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent property.

## Background

**Property Address:** 2643 Hayford Court

### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density II

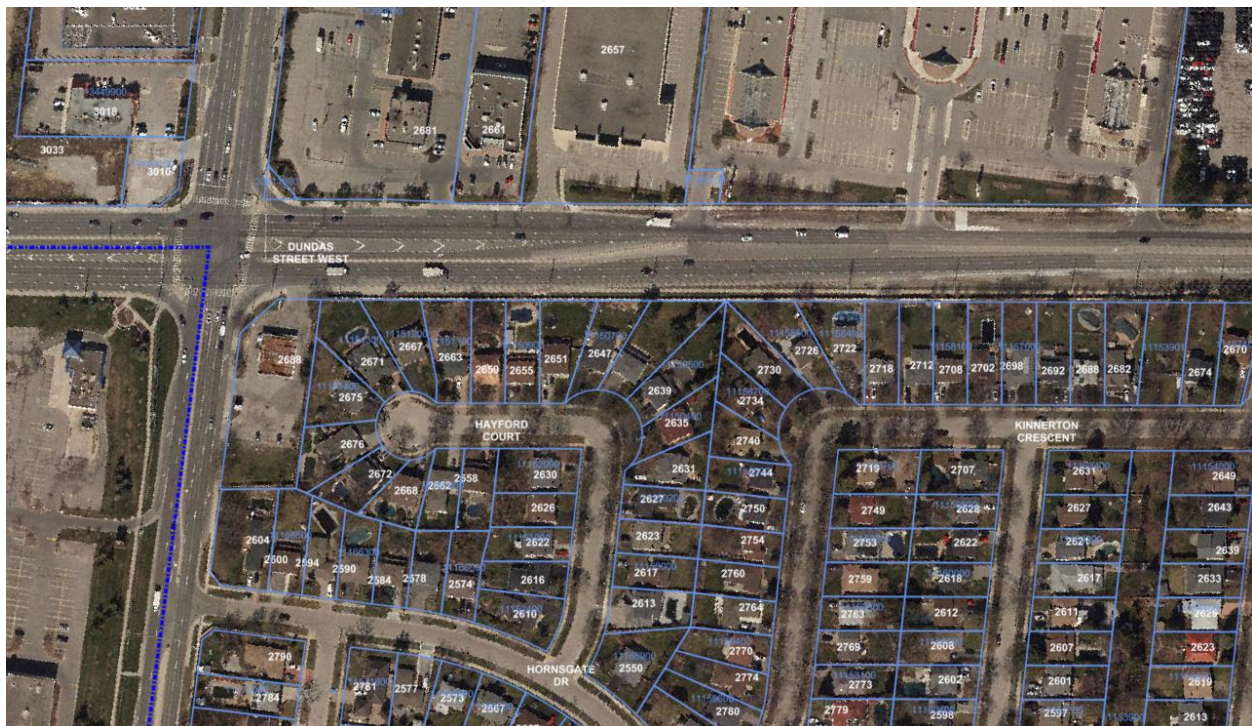
**Zoning By-law 0225-2007****Zoning:** R3 - Residential**Other Applications:**

None

**Site and Area Context**

The subject property is located within the Sheridan Neighbourhood Character Area, south east of Winston Churchill Boulevard and Dundas Street West. The immediate neighbourhood contains an eclectic mix of newer and older one and two storey-detached dwellings with mature vegetation in the front yards. The subject property contains a two storey detached dwelling with mature vegetation in the front yard.

The application proposes the construction of accessory structure, requiring variances related to setbacks and gross floor 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 subject property is located in the Sheridan 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, triplex dwellings and other forms of low-rise dwellings with individual frontages. Section 9 of MOP City Department and Agency 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. Staff are satisfied that the proposed accessory structure is appropriate for the subject property and is clearly accessory to the permitted detached dwelling. The general intent and purpose of the Official Plan is therefore maintained.

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

Variance #1 pertains to occupied area of an accessory structure. The applicant proposes an area occupied by an accessory structure of 32.28m<sup>2</sup> (347.46ft<sup>2</sup>) where a maximum area occupied per accessory structure of 20.00m<sup>2</sup> (215.28ft<sup>2</sup>) 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 proportional to the lot, as it covers 3% of the lot and has a footprint of nearly 8 times smaller than the two-storey dwelling. The Zoning By-law permits a maximum occupied combined occupied area of 60m<sup>2</sup> (645.8ft<sup>2</sup>) for all accessory buildings and structures on lots with areas over 750m<sup>2</sup> (8072ft<sup>2</sup>). The proposal has met this Zoning By-law requirement.

Variance #2 pertains to the setback of an accessory structure from a required yard. The applicant has requested an interior side yard setback of 0.97m (3.18ft) to the accessory structure where a minimum interior side yard setback of 1.20m (3.94ft) is required. Staff is of the opinion that the proposed setback provides an adequate buffer from the lot lines. Furthermore, the proposed setback is not out of character within the immediate neighbourhood and is a minor deviation from what is permitted in the zoning by-law. Lastly, the setbacks provided will ensure there is sufficient space to maintain the structure.

Staff is 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

Enclosed please find photos of the existing structure. Should Committee see merit in the application, we ask that the back side of the structure be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent property.





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