

# City of Mississauga Department Comments

Date Finalized: 2022-01-05 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A565.21 Ward 7
	Meeting date:2022-01-13 3:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure (shed) with a gross floor area of 16.7sq.m (approx. 179.8sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure gross floor area of 10.0sq.m (approx. 107.6sq.ft) in this instance.

### Amendments

From a review of this application it appears the following amendments are required:

1. An accessory structure (shed) with an area occupied of 16.73m<sup>2</sup>; whereas By-law 0225-2007, as amended, permits a maximum area occupied of 10.0m<sup>2</sup> for an accessory structure in this instance.

## Background

**Property Address:** 394 Fairview Road West

### Mississauga Official Plan

Character Area: Fairview Neighbourhood  
Designation: Residential Low Density II

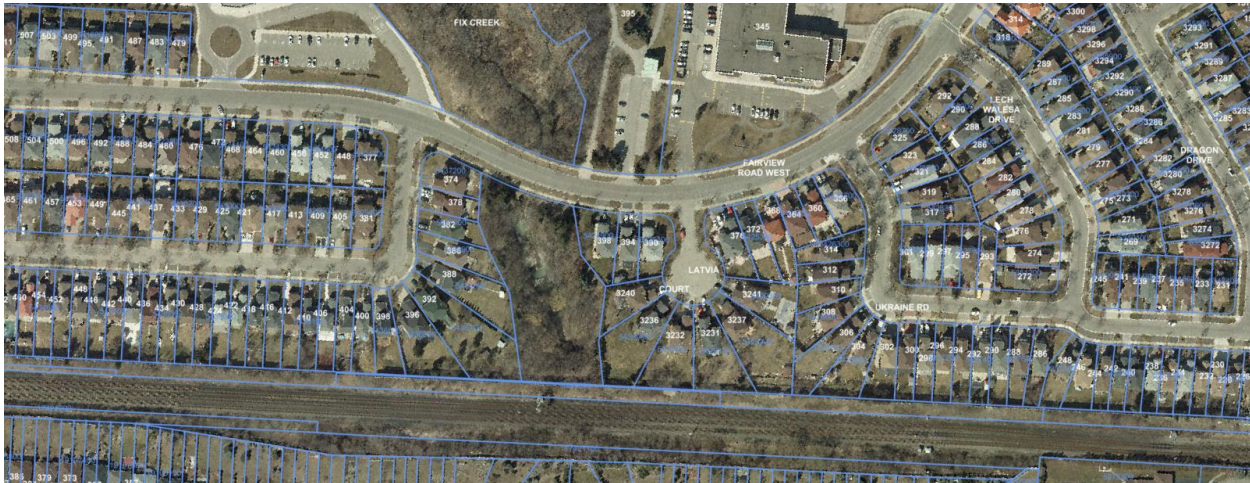
### Zoning By-law 0225-2007

**Zoning:** R4-22 - Residential

**Other Applications:** BP 9ALT 21-7820**Site and Area Context**

The subject property is located on the south side of Fairview Road West, west of the Confederation Parkway intersection. It contains a detached dwelling with an attached garage, and has a lot frontage of +/-11.58m (37.99ft) and a lot area of +/- 483.81m<sup>2</sup> (5,207.69ft<sup>2</sup>). The surrounding area context includes parkland, an elementary school, and detached dwellings on similarly sized lots. Limited landscaping and vegetation elements exist in both the front and rear yards.

The applicant is proposing a shed requiring a variance for 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 Fairview 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. Staff are of the opinion that the proposed shed does not impact the property's permitted use and is compatible with existing site conditions and the surrounding context. The proposal therefore maintains the general intent and purpose of the Official Plan.

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

The sole requested variance is for an increase in floor area for an accessory structure. 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 note that no additional variances have been requested for height or setbacks, and that the structure represents less than 5% of the total lot area. It is the opinion of staff that the proposed structure is proportional, clearly accessory, and does not pose any massing concerns. The proposal therefore maintains 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?**

Planning staff are of the opinion that the proposed shed represents appropriate development of the subject property. It is appropriately located on the site and appropriately sized for the lot. The variance is minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

Notwithstanding the above comments on the requested variance, a site visit to the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway appears to be larger than is permitted under the Zoning By-law. Staff have concerns with the existing width of the driveway and its impact on the streetscape, however are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate Site Plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are photos of the subject property. With regards to the constructed accessory structure (shed), as the variance requested is for the gross floor area and not the setback to the property line and the fact that the shed is equipped with an eavetrough and downspouts, we have no concerns with regards to drainage.

We do note that the Grading Plan DWG C-24676 approved for this lot depicts a split drainage pattern and the drainage in the rear lot is directed to the west in the direction of some greenbelt lands.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7820. From a review of this application it appears the following amendments are required:

1. An accessory structure (shed) with an area occupied of 16.73m<sup>2</sup>; whereas By-law 0225-2007, as amended, permits a maximum area occupied of 10.0m<sup>2</sup> for an accessory structure in this instance.

Our comments are based on the plans received by Zoning staff on 2021/09/28 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 reviewed through the building permit 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 building permit process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor