

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A460.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 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 an accessory structure (shed and covered porch) proposing:

1. A maximum accessory structure height of 4.572m (approx. 15.000ft)) whereas By-law 0225-2007, as amended, requires a maximum accessory structure height of 3.500m (approx. 11.483ft) in this instance;
2. An area occupied by an accessory structure of 27.6sq.m (approx. 297.1sq.ft)) whereas By-law 0225-2007, as amended, requires a maximum area occupied by an accessory structure of 20.0sq.m (approx. 215.3sq.ft) in this instance; and
3. A rear yard setback of 1.10m (approx. 3.61ft) for an accessory structure whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) for an accessory structure in this instance.

Background

Property Address: 265 Winterborne Gate Unit 5

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

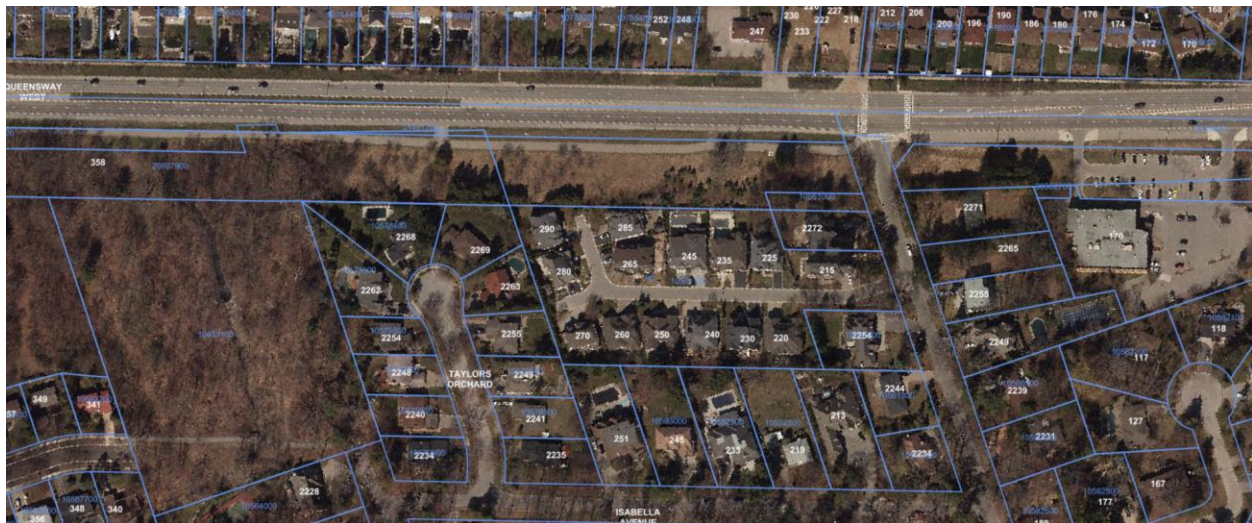
Zoning: R16-1 - Residential

Other Applications: P 9NEW 21-5372

Site and Area Context

The subject property is located south-west of the Queensway West and Gordon Drive intersection, in an area known as Gordon Woods. It is a corner property on the Winterborne Gate private road and currently contains a detached dwelling with an attached garage. The property has a lot area of +/- 806.7m² (8,683ft²) which is characteristic of the Winterorne Gate community, however smaller than the surrounding Gordon Woods community. The surrounding area context consists exclusively of detached homes. There are limited vegetation and landscaping elements on the subject property, mostly along the property lines, and significant hardscaping in the rear yard.

The applicant is proposing an accessory structure requiring a variance for height, floor area, and rear yard setback.



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 I in Schedule 10 of the Mississauga Official Plan (MOP). In this portion of the Cooksville Neighbourhood, known as Gordon Woods, this designation permits only detached dwellings. Furthermore the site is subject to Special Site 4 policies, which are high level design policies intended to maintain the character of the area. 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 accessory structure is not detrimental to the surrounding area context and note that Special Site 4 policies do not directly address accessory structures but rather larger forms of development, such as infill housing. Staff are of the opinion that the general intent and purpose of the Official Plan is maintained.

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

Variances 1 and 2 request an increased height and floor area for the 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 clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the increased height is only for a portion of the accessory structure and that the remaining portion of the accessory structure appears to comply with the maximum permitted height. Furthermore staff note that the structure represents less than 5% of the total lot area and is clearly accessory to the primary structure on the property. Staff are satisfied that any massing impacts on abutting properties or the streetscape are minor in nature.

Variance 3 requests a reduced rear yard setback measured to the structure. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. Staff are of the opinion that the proposed reduced setback will not impact the ability to perform ongoing maintenance on the structure or provide appropriate drainage patterns. Furthermore staff note that the proposed reduction is only for a portion of the structure, not its entirety, and that the majority of the structure exceeds the setback requirements.

Given the above staff are of the opinion that the variances, both individually and cumulatively, 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 proposal creates only minor impacts on abutting properties and the streetscape. Furthermore staff are satisfied that the proposed accessory structure is

appropriately sized and located and therefore represents appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department does not have any drainage related concerns with the accessory structure.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 21-5372. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings

must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner