

# City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A458.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. 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 an accessory structure proposing:

1. An area occupied by an accessory structure of 26.00sq.m (approx. 279.86sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied by an accessory structure of 10sq.m (approx. 107.64sq.ft) in this instance;
2. A combined area occupied by all accessory structures of 35.00sq.m (approx. 376.74sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined area occupied by all accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance; and
3. A height of 3.50m (approx. 11.48ft) to the highest point of the structure whereas By-law 0225-2007, as amended, requires a maximum height of 3.00m (approx. 9.84ft) to the highest point of the structure in this instance.

## Recommended Conditions and Terms

Should Committee see merit in the applicant's request, we ask that as a condition of approval, the shed be equipped with an eaves trough and downspout on the rear side directed in such a manor to not impact the adjacent property to the west.

## Background

**Property Address:** 1580 Winterhaven Road

**Mississauga Official Plan**

Character Area: Residential Low Density I  
Designation: Lakeview Neighbourhood

### Zoning By-law 0225-2007

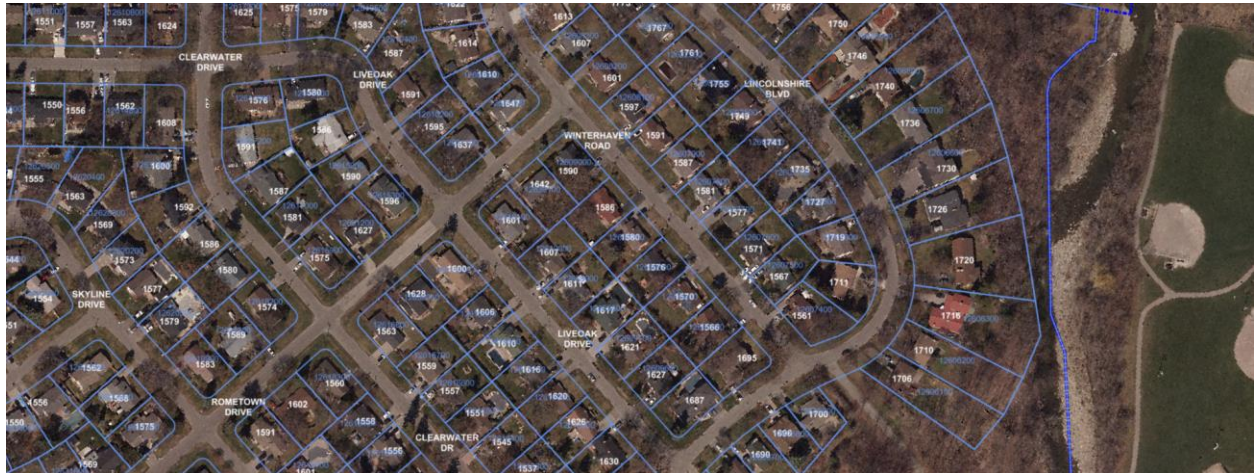
Zoning: R3-75 - Residential

**Other Applications:** Preliminary Zoning Review application under file PREAPP 21-8794.

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of South Service Road and Dixie Road. The neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on lots with mature vegetation in the front and side yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

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



## 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 Lakeview Character Neighbourhood, and is designated Residential Low Density I 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. 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?**

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. While the area of the proposed accessory structure appears excessive, the proposed structure is clearly subordinate to the main dwelling and proportional to the lot, as it covers 3.7% of the lot and has a footprint of nearly 7 times smaller than the one-storey dwelling. Furthermore, the proposed combined area occupied by all accessory structures on the subject property is a minor deviation from the 30 m<sup>2</sup> (323 ft<sup>2</sup>) maximum. The proposed structure's height is also subordinate to the dwelling. The roof of the structure does not maintain a height of 3.5m (11.48 ft), as it slopes downward from the highest point of 3.5 m (11.48 ft), to 3.2m (10.5 ft), which is a minor deviation from the 3 m (9.84 ft) maximum. 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

Enclose for Committee's easy reference are photos of the existing shed. Should Committee see merit in the applicant's request, we ask that as a condition of approval, the shed be equipped with an eaves trough and downspout on the rear side directed in such a manor to not impact the adjacent property to the west.





Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-8794. 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