

City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A542.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 1:00:00 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 an existing accessory structure with:

1. A side yard setback of 0.52m (approx. 1.71ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A rear yard setback of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) 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 directed in such a manor to not impact the adjacent properties.

Background

Property Address: 539 Old Poplar Row

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

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 Character Area, southeast of Southdown Road and Lakeshore Road West. North of the subject property is Rattray Marsh Conservation Area. The neighbourhood is entirely residential consisting of large one and two storey-detached dwellings, on large lots with mature vegetation in the front and side yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is requesting to allow an existing accessory structure requiring variances for setbacks.

**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 II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached 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 has requested reduced setbacks for an accessory structure measured to the side and rear lot lines. 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 is of the opinion that variances #1 and 2 propose setbacks that provide an adequate buffer from the side and rear lot lines. The proposed setbacks are not out of character, as similar deficiencies for accessory structures can be found in the immediate neighbourhood. Furthermore, no additional variances are requested, such as structure height and size, mitigating any potential massing concerns.

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

Enclosed for Committee's information are photos depicting the existing structure. 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 directed in such a manor to not impact the adjacent properties.





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.

We note that a building permit application is 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