

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): A88.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 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 the construction of an accessory structure (cabana) proposing:

1. An accessory structure area of 61.9sq.m (approx. 666.3sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.0sq.m (approx. 215.3sq.ft) in this instance;
2. An area occupied combined for all accessory structures of 61.9sq.m (approx. 666.3sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory structures of 60.0sq.m (approx. 645.8sq.ft) in this instance; and,
3. An accessory structure height of 4.72m (approx. 15.49ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance.

Background

Property Address: 254 Oakhill Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

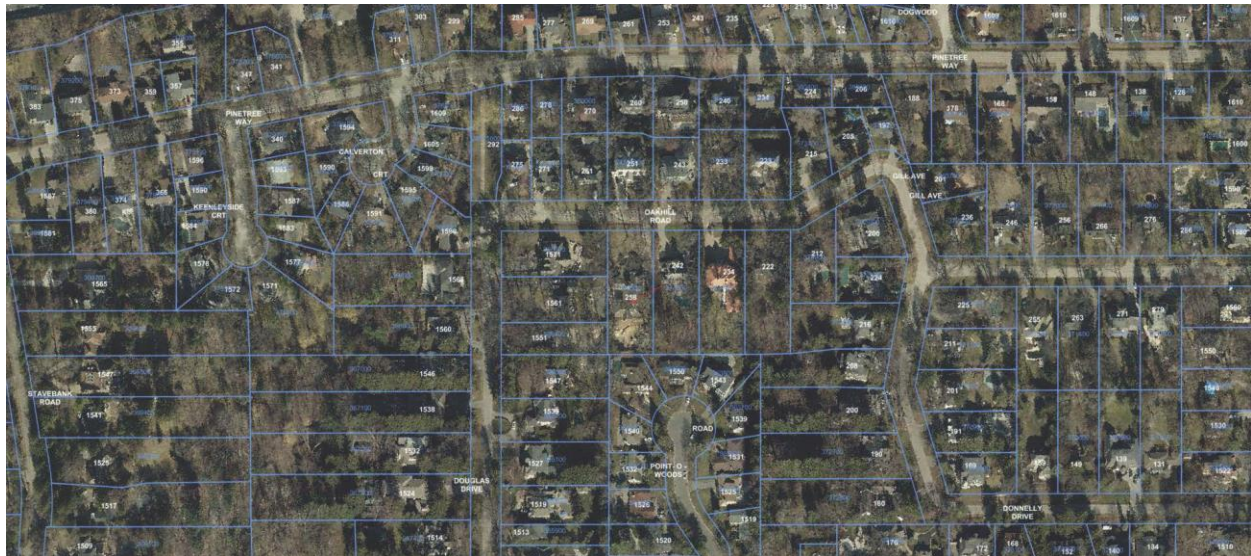
Zoning: R2-4 - Residential

Other Applications: Building Permit under file BP 9ALT 21-7221

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Glenburnie Road and Indian Valley Trail. 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 two-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 Mineola 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 only covers 3.7% of the lot and has an approximate footprint 1/6th of the two-storey dwelling. The proposed structure's height is also subordinate to the dwelling. An accessory structure height of 4.7m (15.49ft) is proposed, where a maximum height of 3.5m (11.48ft) is permitted. While the proposed height seems excessive, staff note that there is a 0.82m (2.69ft) discrepancy between established grade and grade. When viewing the structure from the north side, the structure would appear to have a height of 3.88m (12.73ft), a difference of 0.38m (1.2ft) which represents a minor deviation from the by-law. The height is most impactful from the south and east sides of the structure, where the accessory structure faces adjacent property owners. However, staff note that the proposed structure does not require variances for reduced setbacks. Furthermore, structures on the adjacent properties are significantly setback from the proposed structure and shared property lines. In addition to the increased setbacks, the applicant has also included landscaping along the south side of the structure to lessen the structure's impact on the adjacent property.

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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed cabana will be addressed through BP-9NEW 21/5737.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7221. 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