

City of Mississauga Department Comments

Date Finalized: 2022-04-13	File(s): A175.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-21 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing rear deck, balcony and shed with:

1. A lot coverage of 41.19% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A minimum side yard setback of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. A minimum rear yard setback of 0.30m (approx. 0.98ft) to the shed whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance;
4. An accessory structure floor area of 11.98sq.m (approx. 128.95sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
5. An accessory structure (shed) height of 3.07m (approx. 10.07ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
6. A side yard setback of 0.11m (approx. 0.36ft) to the shed eaves overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.16m (approx. 0.52ft) to a shed eaves overhang in this instance;
7. A minimum rear yard setback of 0.0m to the shed eaves overhand whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.16m (approx. 0.52ft) to a shed eaves overhang in this instance; and,
8. A fireplace height of 5.05m (approx. 16.57ft) whereas By-law 0225-2007, as amended, permits a maximum fireplace height of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 5461 Red Brush Dr

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications: BP 9ALT 21-7364

Site and Area Context

The subject property is located south-east of the Kennedy Road and Matheson Boulevard East intersection in the Hurontario neighbourhood. It contains a two storey detached dwelling with limited landscaping and vegetative elements in both the front and rear yards. The lot has a frontage of +/- 9.75m (32ft) and a lot area of +/- 381.9m² (4,110.7ft²). The surrounding area context consists of detached dwellings on lots of similar sizes. Industrial uses and Iceland Arena are also present within the larger area context.

The applicant is proposing a rear deck, balcony, and accessory structure requiring variances for lot coverage, setbacks, floor 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:

The subject property is located in the Hurontario 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.

Planning staff have immediate concerns surrounding the setbacks of the existing shed. Staff are generally unsupportive of any form of 0 metre setback, and based on a site visit to the property staff are concerned that the eaves appear to encroach over the fence line and possibly onto the abutting property. Staff therefore recommend that the application be deferred in order to allow the applicant to address staff's concerns surrounding the shed.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are photos which depict both the fireplace structure (variance#8) and the existing shed. We note that the Grading Plan approved for this property, Lot# 92 Plan 43M-1243 (Grading Plan C-33389 prepared by Adamson Lawson Surbray Associates Ltd) indicates that the drainage from the rear yard was designed to be directed to the existing catch basin on the abutting property to the north (Lot# 91).

The applicant has altered the approved drainage pattern by constructing a shed and garden area where a drainage swale across the rear property line and side yard in the area of the shed was to be constructed. Although the drainage pattern has been altered on this property, we cannot confirm if this has had an impact on the abutting properties as the grading plan depicts that their drainage pattern is independent of this property. In general, adequate setbacks should be provided to accessory structures, in this instance 0.61M to ensure that approved drainage patterns are not impacted, however, in this instance the applicant has provided minimal if any setbacks.

With regards to the variance for the eaves overhang, we question if variance #6 should also reflect a 0.0m setback as opposed to 0.11M as from our site inspection the eaves appear to be encroaching over the fence, although only a proper survey plan can confirm same.













Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 21-7364. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Sherri Takaloo, Zoning Examiner