

City of Mississauga Department Comments

Date Finalized: 2022-04-13	File(s): A180.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing accessory building proposing:

1. An accessory building area of 13.38sq.m (approx. 144.13sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
2. An accessory building area of 29.96sq.m (approx. 322.49sq.ft) inclusive of roof structure and overhang, whereas By-law 0225-2007, as amended, permits a maximum accessory building area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
3. An accessory building height of 3.14m (approx. 10.30ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building height of 3.00m (approx. 9.84ft) in this instance; and,
4. A setback of 0.16m (approx. 0.52ft) to the hard surface landscaping whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscaping in this instance.

Amendments

Variance # 1 does not appear to be necessary as the entire accessory structure is captured in variance # 2.

Background

Property Address: 4 Kenninghall Blvd

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: BP 9NEW 21-9711

Site and Area Context

The subject property is located on the north side of Kenninghall Boulevard, east of the Falconer Drive intersection. It is an interior parcel with a lot area of +/- 700.54m² (7,540.6ft²). The property currently contains a detached dwelling with limited vegetation and landscaping elements in both the front and rear yards. The surrounding neighbourhood includes a mix of detached, semi-detached, and townhouse dwellings on lots of varying sizes.

The applicant is proposing to maintain an existing accessory structure requiring variances for floor area, height, and setback to hardscaping.



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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This 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 accessory structure is permitted accessory to the permitted detached dwelling, and staff are satisfied that the location and size are appropriate given existing site conditions and the surrounding context. Staff are therefore of the opinion that the general intent and purpose of the official plan are maintained.

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

Variances 1 through 3 request increases to the accessory structure's floor area and height. 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 structure is oversized it represents less than 5% of the lot area and is clearly accessory to the existing dwelling. Furthermore no height variance is requested and the wall of the structure appears to comply with the setback requirement, limiting impacts on massing to abutting properties.

Variance 4 requests a reduced setback to the structure's concrete pad. The intent of this provision is to ensure that adequate and appropriate drainage patterns can be provided. Transportation and Works staff have raised no drainage related concerns, however note that should there be drainage concerns from the neighbour the existing downspout should be redirected. Planning staff are in agreement with this position.

Given the above, Planning staff are of the opinion that the request maintains 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 satisfied that the proposal represents appropriate development of the subject land. The request is minor in nature and will not have any additional impacts to abutting properties when compared to an as of right condition.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

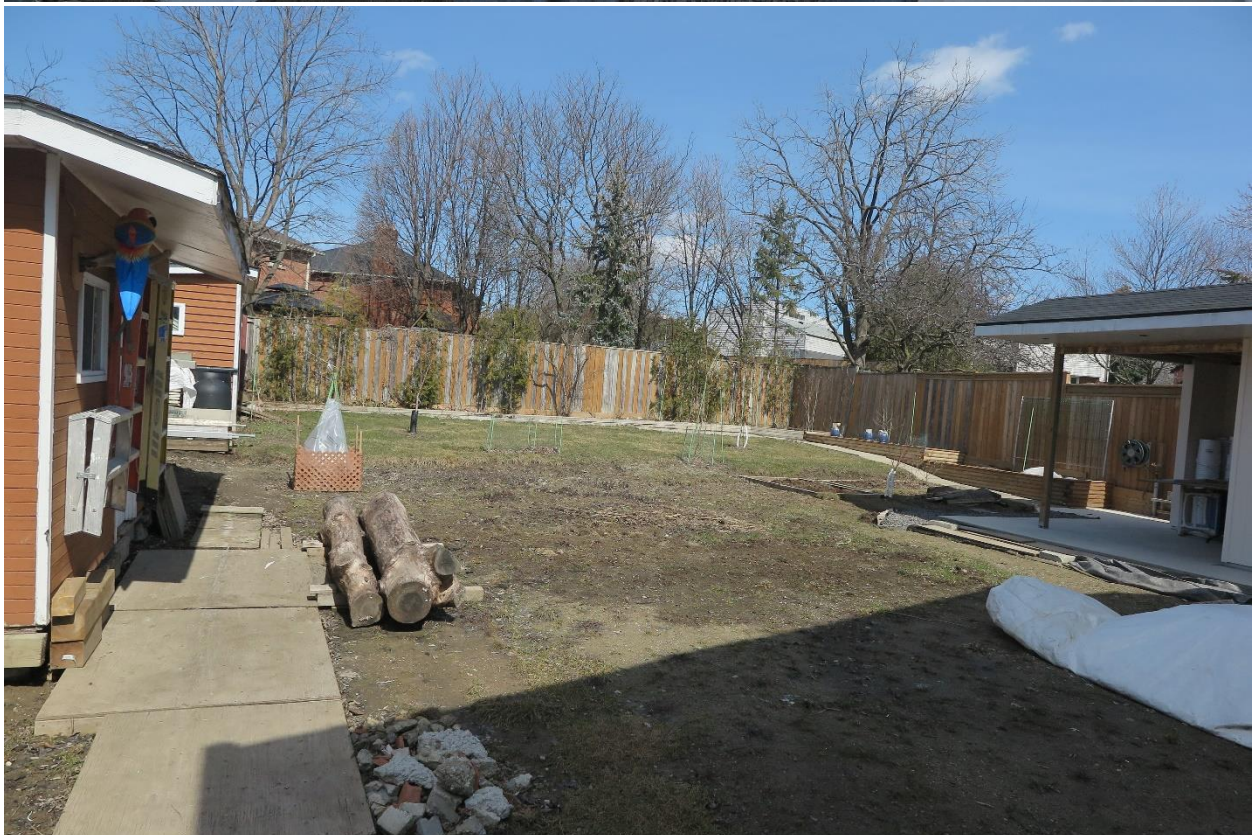
Appendix 1 – Transportation and Works Comments

We note from our site inspection that this property has a rear to front drainage pattern where the drainage from the rear yard is directed to the front, preferably on the west side of the property as a drainage swale cannot be constructed on the east side. The applicant has constructed the accessory structure on the east side and installed an eavetrough on the side abutting the immediate neighbour. The downpipe has been buried into the concrete slab and we are not exactly sure where it is discharging.

Should drainage related concerns be expressed by the immediate neighbour to the east, we would then recommend that the downspout be redirected such that any drainage be directed towards the (opposite) westerly property line.

It should also be noted that this property has a reverse grade driveway located on the east side of the dwelling and any additional drainage being directed to this area can create drainage concerns on the reverse grade driveway.









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 21-9711. Based on review of the information currently available in this permit application, variances # 2, 3 and 4, as requested are correct.

Furthermore, variance # 1 does not appear to be necessary as the entire accessory structure is captured in variance # 2.

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