

# City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A249.22 Ward 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 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 the construction of an addition proposing:

1. A garage area of 152.04sq.m (approx. 1,636.54sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance;
2. A side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A lot coverage of 26.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.0% in this instance;
4. A driveway width of 12.52m (approx. 41.08ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
5. A garage projection of 4.716m (approx. 15.472ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0.0m in this instance;
6. A dwelling depth of 23.95m (approx. 78.58ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
7. An accessory structure height (shed) of 5.14m (approx. 16.86ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
8. A front yard setback of 9.87m (approx. 32.38ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
9. A front yard setback of 9.87m (approx. 32.38ft) to the garage whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 12.00m (approx. 39.37ft) in this instance;
10. A rear yard setback of 0.589m (approx. 1.932ft) to the accessory structure whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance;
11. To permit a deck projecting the accessory structure (shed) whereas By-law 0225-2007,

as amended, does not permit a deck on top, above or projecting from any part of an accessory structure in this instance;

12. To permit a retaining wall to facilitate an entrance below grade entrance in the front yard whereas By-law 0225-2007, as amended, does not permit a retaining wall to facilitate an entrance below grade at any point in a front yard in this instance; and,

13. To permit a deck on top of the attached garage whereas By-law 0225-2007, as amended, does not permit a deck on top, above, or projecting from an attached garage in this instance.

## Background

**Property Address:** 1352 Nocturne Crt

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

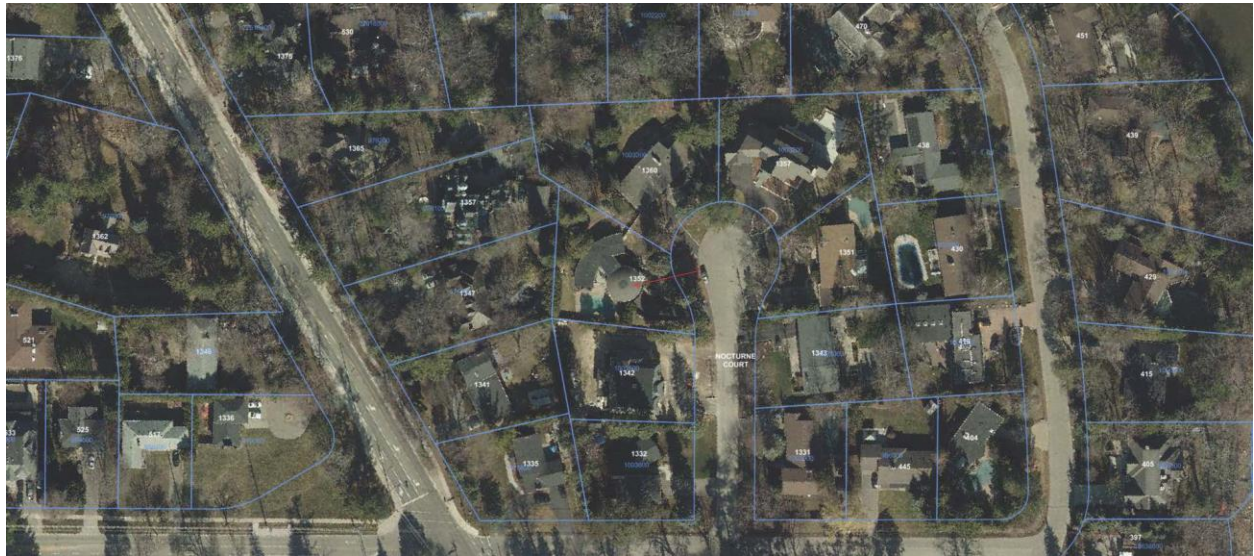
**Zoning:** R1-1 - Residential

**Other Applications:** Site Plan Minor Approval application under file SPM 21-41

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northeast of the Mississauga Road and Indian Road intersection. The neighbourhood is primarily residential consisting of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard. The detached dwelling, designed by Toronto architect Harry B. Kohl, was showcased at the National Home Show in Toronto in 1962, prior to its erection on the subject property.

The applicant is proposing a new addition requiring variances for a garage, accessory structure, deck, setbacks, lot coverage, dwelling depth, and driveway width.



## 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 are as follows:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

Upon review of the application and submitted materials, staff has identified concerns with variances #7, 10 and 11. These variances pertain to an accessory structure. The applicant is proposing an accessory play structure in the rear yard of the subject property. 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.

Staff finds the height of the proposed accessory structure creates significant observable massing in the rear yard. Furthermore, staff find the reduced rear yard setback coupled with the deck projecting the accessory structure, creates discernable overlook/privacy concerns for the abutting property to the west.

Based on the preceding, Planning staff recommends that the application be deferred to allow the applicant an opportunity to redesign the accessory structure.

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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 addition will be addressed through the Site Plan Application process, File SPM-21/041.







Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Site Plan Minor Approval application under file SPM 21-41. 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