

City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A31.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application as amended. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure (shed) and a driveway proposing:

1. A driveway width of 7.5m (approx. 24.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway length of 6.0m (approx. 19.7ft) in this instance;
2. An accessory structure area of 26.26sq.m (approx. 282.66sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28ft) in this instance; and,
3. A minimum side yard setback of 0.98m (approx. 3.22ft) to the proposed shed whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

Variance # 1 is not required.

The following variances are to be amended as follows:

2. An accessory structure area of 26.27sq.m (approx. 282.76 sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28ft) in this instance; and,
3. A minimum exterior yard setback of 0.98m (approx. 3.22ft) to the proposed shed whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 7.5 m (approx. 24.60ft) in this instance.

The following variances are to be added:

4. A minimum exterior side yard setback of 0.66m (approx. 2.16ft) to the accessory structure eaves whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05 m (approx. 23.19ft) to the accessory structure eaves in this instance;

Background

Property Address: 1181 Ostler Court

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2 - Residential

Other Applications: BP 9NEW 22-1537

Site and Area Context

The subject property is located on the north-west corner of the Ostler Court and Old Carriage Road intersection in the Erindale neighbourhood. It currently contains a 2-storey detached dwelling with an attached garage and mature vegetation in the front and exterior side yards. The property has a lot area of 906.59m² (9,758ft²). The surrounding area context is exclusively residential, consisting of detached homes on lots of various sizes.

The applicant is proposing to modify the driveway and construct an accessory structure requiring variances for driveway width, accessory structure floor area, and accessory structure setback.



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 Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. 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 appropriate in both the context of the area and the site itself, and staff are therefore satisfied 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?

Zoning staff have identified that variance 1 is not required.

Variances 2 through 4 relate to the size and setback of the proposed accessory structure. 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. The intent of exterior side yard provisions is to ensure an appropriate buffer is provided between structures and the public realm. The proposed increase in accessory structure size is minor and is appropriate given the size of the subject property. Furthermore the proposed structure will not create a significant impact to the streetscape and maintains an appropriate setback for an accessory structure.

Given the above Planning staff are satisfied that the application 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?

Planning staff are satisfied that the proposed accessory structure's impacts on the streetscape will be minor in nature. The structure is clearly accessory to the dwelling on the property and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot, this department foresees no drainage related concerns with the location of the proposed accessory structure (Variance#2 & 3).

With regards to Variance #1, this department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.





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 22-1537. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

Variance # 1 is not required .

The following variances are to be amended as follows:

2. An accessory structure area of 26.27sq.m (approx. 282.76 sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28ft) in this instance; and,
3. A minimum exterior yard setback of 0.98m (approx. 3.22ft) to the proposed shed whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 7.5 m (approx. 24.60ft) in this instance.

The following variances are to be added:

4. A minimum exterior side yard setback of 0.66m (approx. 2.16ft) to the accessory structure eaves whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05 m (approx. 23.19ft) to the accessory structure eaves in this instance;

Lastly, we can't confirm all variances at this time, and we require an established grade calculation to determine if the height of the proposed accessory structure will require an additional minor variance.

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: Maria Fernandez, Zoning Examiner