

City of Mississauga Department Comments

Date Finalized: 2022-07-13	File(s): A301.22 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-21 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory building (pavilion) proposing:

1. An accessory building area of 52.28sq.m (approx. 562.74sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and,
2. An accessory building height of 5.29m (approx. 17.36ft) 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: 1586 Jalna Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-53.

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the Lorne Park Road and Truscott Drive intersection. The immediate neighbourhood primarily consists of large 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 applicant is seeking variances related to the height and area of an accessory structure.



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 site is located within the Clarkson-Lorne Park Neighbourhood Character Area, 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 are 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, covering only 1.66% of the lot and has an approximate footprint of 1/6th of the two-storey dwelling. The proposed structure's height is also subordinate to the dwelling. While the proposed height seems excessive, staff note that the majority of the variance requested is only to accommodate a proposed chimney. The height of the accessory structure (other than the chimney) measured to the highest ridge is 4.33m (14.2ft), and slopes down to an eave height of 2.96m (9.71ft).

The height is most impactful from the east, west and south sides of the structure, where the accessory structure faces adjacent property owners. Staff also note that the proposed structure does not require variances for reduced setbacks and is not close to any lot lines. It is also noted that a review of the neighbouring properties revealed similar spacious setbacks for accessory structures from the side yards minimizing any impacts. In addition to the increased setbacks, staff note there appears to be significant vegetation (based off satellite imagery) along the east, west and south property lines. This vegetation provides significant screening and will lessen the visual impact of the structure's massing.

As such, 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

Enclosed are photos of the existing structures in the location where the new structure is proposed. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed accessory structure will be addressed by our Development Construction Section through the future Building Permit process.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-53. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Furthermore, we advise that more information is required in order to verify compliance for lot coverage, and maximum area occupied combined for all accessory buildings and structures, 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: Maria Fernandez, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1586 Jalna Ave to facilitate the construction of an accessory building (pavilion) in the rear yard. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1586 Jalna Ave are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator