

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A344.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 3:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow two existing accessory structures (sheds) with:

1. A minimum exterior side yard setback of 0.71m (approx. 2.33ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A minimum rear yard setback of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance;
3. An interior side yard setback of 1.16m (approx. 3.81ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
4. A setback to the hard surface landscape material of 0.14m (approx. 0.46ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a hard surface landscape material of 0.61m (approx. 2.00ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in this application, staff ask that the smaller shed on the west side of the lot be equipped with an eaves trough and downspout directed in such a manor that it does not impact the adjacent properties.

Background

Property Address: 233 Indian Valley Trail

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 - Residential

Other Applications: Building Permit under file BP 9NEW 22-1532.

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, west of the Hurontario Street and Pinewood Trail intersection. The immediate neighbourhood primarily consists of one and two-storey detached dwellings on large lots with significant 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 setbacks.



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 Mineola Neighbourhood Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I 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 structures are permitted within this designation. Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

Variances #1 and 2 pertain to setbacks to accessory structures. 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. The proposed structures are clearly accessory, proportional to the lot, and dwelling and create no massing concerns. Staff note that no variances for lot coverage, height or gross floor area are required, which can have the effect of creating a disproportional structure with excessive massing. The proposed setbacks also ensure appropriate access to the structures for maintenance purposes.

Variance #3 pertains to a side yard setback. Staff have no concerns with this variance, as the proposed setback is only 4cm (1.57inches) short of the minimum setback requirement. Therefore, the impact of the requested variance is negligible.

Variance #4 pertains to a setback to hard surface landscape material. The intent of this portion of the by-law is to ensure that an adequate buffer is provided from the lot line to hard landscape material to mitigate any potential drainage concerns. Transportation and Works and Planning staff are of the opinion that the proposed setback is adequate. Furthermore, staff have no drainage concerns with the proposed setback.

As such, staff is 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. Furthermore, the accessory structures pose no significant massing impact and do not impose upon the neighbouring properties.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed you will find photos of the existing 2 sheds on the property. We ask that the smaller shed on the west side of the lot be equipped with an eaves trough and downspout directed in such a manner that it does not impact the adjacent properties.











Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-1532. Based on review of the information currently available in this permit application, variance(s) # 1, 2 and 3, as requested are correct.

Furthermore, variance # 4 couldn't be confirmed with the information provided.

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