

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A359.22 Ward: 2
To: Committee of Adjustment	
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 an existing accessory structure (shed) and walkway attachment with:

1. An existing side yard setback of 0.2m (approx. 0.7ft) to the accessory structure (shed) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.9m) in this instance; and,
2. A walkway attachment of 6.1m (approx. 20.0ft) to the driveway whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.5m (approx. 4.9ft) to a driveway in this instance.

Background

Property Address: 1316 Oak Lane

Mississauga Official Plan

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

Zoning By-law 0225-2007

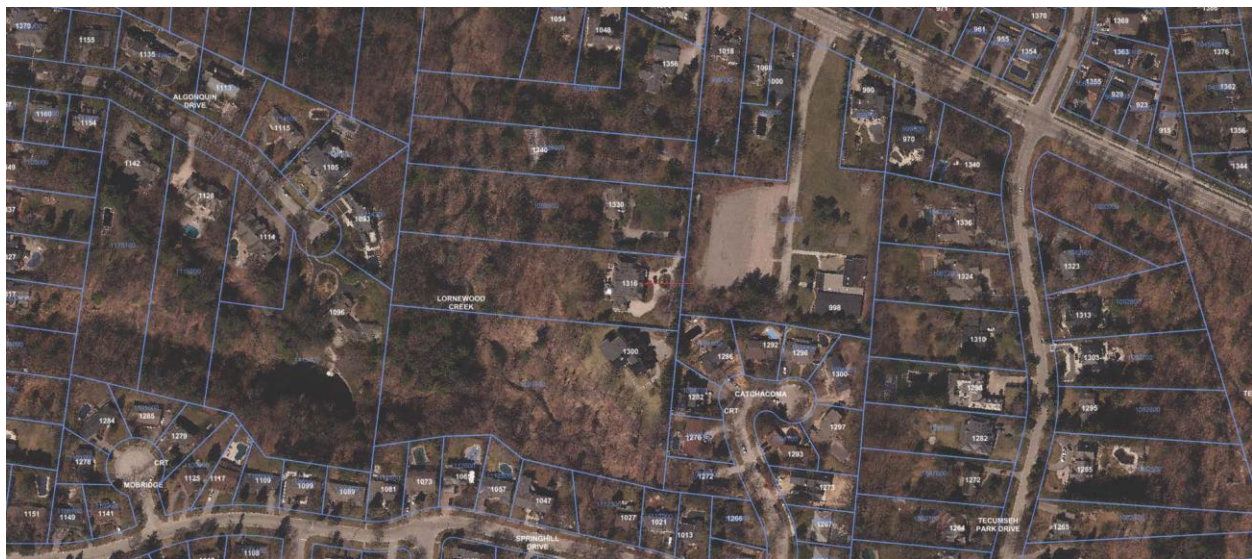
Zoning: R2-5 - Residential

Other Applications: None

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, west of the Mississauga Road and Indian Road intersection. The immediate neighbourhood primarily consists of new two-storey detached dwellings 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 a setback for an accessory structure and a walkway attachment.



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 Greenlands and Residential Low Density I by the Mississauga Official Plan (MOP).

The entirety of the proposal is located on lands designated Residential Low Density I. 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 structure is 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?

The applicant has requested a reduced setback for an accessory structure measured to the side lot line (Variance #1). 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. Only a small portion of the structure, which projects into the side yard, requires this variance. The remaining points of the structure maintain a 0.2 - 0.5m (0.65ft-1.64ft) setback from the side lot line, ensuring access is maintained for maintenance purposes. Furthermore, staff have no concerns with the massing of the proposed structure, as no additional variances for gross floor area, lot coverage or height, which would exacerbate its massing, are required.

The applicant is also seeking a variance to permit an increased width for a walkway attachment (Variance #2). The intent of this portion of the by-law is to provide a stable surface for pedestrians (not vehicles) to approach the dwelling and assist in defining an entrance walkway. While the walkway attachment appears to be excessive, based off its design, staff are of the opinion that it will not accommodate vehicular access or parking. Furthermore, the walkway appropriately defines the entryway to the dwelling. Planning Staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

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 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 walkway/driveway and also the existing shed.
We have no drainage related concerns.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. Furthermore, we note that a Building Permit maybe required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner

Appendix 3 – Region of Peel

Development Planning: Joseph Filice (905) 791-7800 x3182

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately

Comments Prepared by: Joseph Filice, Junior Planner