

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A63.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 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 an existing accessory structure with:

1. The maximum area occupied combined for all accessory structures of 36.92sq.m (approx. 397.42 sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied for all accessory structures of 30.0sq.m (approx. 322.9sq.ft) in this instance;
2. A rear yard setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance;
4. An accessory structure area of 17.12sq.m (approx. 184.28sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10sq.m (approx. 107.64sq.ft) in this instance; and
5. An accessory structure area of 19.80sq.m. (approx. 213.13sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10sq.m (approx. 107.64sq.ft) in this instance;

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law; staff would note variance #1 should be amended and variance #6 should be added as follows:

1. The combined area for all accessory structures of 36.92sq.m (approx. 397.42sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory structures of 30.0sq.m (approx. 322.9sq.ft) in this instance;
6. A rear yard setback of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance; and

Background

Property Address: 900 Atwater Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

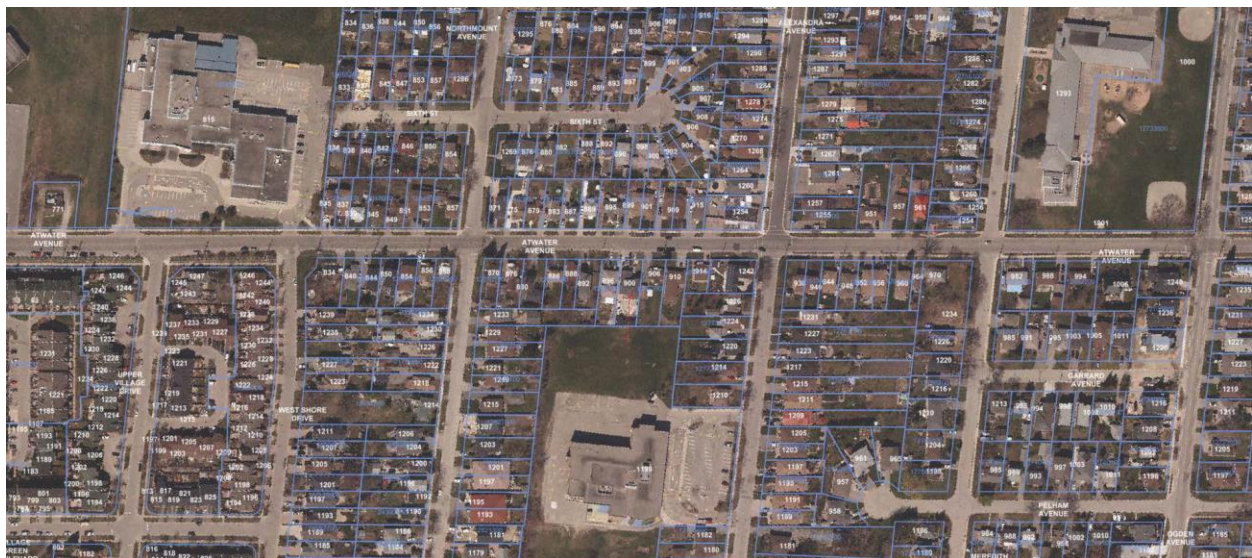
Zoning: RM1-26 - Residential

Other Applications: Building Permit – BP 9NEW 20-3296

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, east of the Atwater Avenue and Cawthra Road intersection. Directly abutting the subject property to the north is Queen of Heaven Separate School. The residential portion of the neighbourhood consists of one and two storey-detached dwellings, on lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with no vegetation in the front yard.

The applicant is requesting to permit an existing accessory structure remain requiring variances for accessory structure area & height, lot coverage and 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 are as follows:

The Committee of Adjustment previously deferred this application on February 17th, 2022 and on June 16th, 2022. Planning, Zoning and Transportation and Works staff identified concerns with the applicant's proposal related to drainage, excessive gross floor area (GFA) and an incorrect established grade calculation. The applicant has redesigned their proposal and staff is no longer concerned with the proposed GFA of the accessory structures. However, Zoning staff maintains concerned with respect to the calculation of height of the structures and are of the opinion that additional variances may be required. Furthermore, Transportation and Works staff request that downspout locations be provided on the applicant's drawings. Lastly, Planning staff note that the elevation drawings are inconsistent with the site plan drawing submitted.

Staff recommends deferral of the application to allow the applicant an opportunity to address staff's concerns and to submit a building permit to allow Transportation and Works and Zoning staff to review the revised proposal.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

The applicant has now provided a revised plan. Our Development Construction Section had previously approved the plan that was supplied. The current plan is to be revised to include the previously asked for information showing the proposed down spout locations and grading information. All neighbouring properties must not be affected by the locations of the down spouts.

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 20-3296. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. The combined area for all accessory structures of 36.92sq.m (approx. 397.42sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory structures of 30.0sq.m (approx. 322.9sq.ft) in this instance;
2. An accessory structure area of 36.92sq.m. (approx. 397.42sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10sq.m (approx. 107.64sq.ft) in this instance;
3. A rear yard setback of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance; and
4. An interior side yard setback of 0.0m (approx. 0.0ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2.00ft) in this instance.

We advise that more information is required in order to determine whether additional variance(s) will be required for the height of accessory structure.

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.

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Comments Prepared by: Alana Zheng, Zoning Examiner