

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A175.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing rear deck, balcony and shed with:

1. A lot coverage of 41.19% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A minimum side yard setback of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. A minimum rear yard setback of 0.30m (approx. 0.98ft) to the shed 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 floor area of 11.98sq.m (approx. 128.95sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
5. An accessory structure (shed) height of 3.07m (approx. 10.07ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
6. A side yard setback of 0.10m (approx. 0.33ft) to the shed eaves overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.16m (approx. 0.52ft) to a shed eaves overhang in this instance;
7. A fireplace height of 5.05m (approx. 16.57ft) whereas By-law 0225-2007, as amended, permits a maximum fireplace height of 3.00m (approx. 9.84ft) in this instance.

Amendments

We advise that the following variance be amended as follows:

1. A lot coverage of 41.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.

Background

Property Address: 5461 Red Brush Dr

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications: BP 9ALT 21-7364

Site and Area Context

The subject property is located south-east of the Kennedy Road and Matheson Boulevard East intersection in the Hurontario neighbourhood. It contains a two storey detached dwelling with limited landscaping and vegetative elements in both the front and rear yards. The lot has a frontage of +/- 9.75m (32ft) and a lot area of +/- 381.9m² (4,110.7ft²). The surrounding area context consists of detached dwellings on lots of similar sizes. Industrial uses and municipal recreation facilities (Iceland Arena) are also present within the larger area context.

The applicant is proposing a rear deck, balcony, and accessory structure requiring variances for lot coverage, setbacks, floor area, and height.



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 Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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. Planning staff note that the proposal maintains the permitted detached dwelling use and that the development is appropriate given existing site conditions and the surrounding context. Staff are therefore of the opinion 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?

Variance 1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The requested increase is minor in nature, and staff note that the increase is attributable to an appropriate sized accessory structure and an unenclosed deck and

balcony which do not have the same massing impacts as an enlarged dwelling. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variations 2, 3, 4, 5 & 6 relate to the existing shed at the rear of the property, requesting relief from setback, floor area, and height provisions. 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. Staff are of the opinion that the size of the structure is appropriate and note that it represents less than 4% of the overall lot area. Furthermore the height increase is exceedingly minor in nature and is measured to the top of a sloped roof. Regarding the setbacks, the applicant has worked with staff to pull the overhangs away from the property lines and maintain an appropriate setback. Staff are satisfied that the structure is appropriate for and proportionate to the lot.

Variance 7 requests an increase in height for the outdoor fireplace. The intent of limiting height the height of accessory structures is to limit massing impacts on abutting properties. In this instance the proposed fireplace is attached to the proposed deck and balcony, combining its massing with that structure. The fireplace height is appropriate to allow smoke to ventilate properly while not significantly exceeding the height of the balcony portion and thereby limiting excessive massing impacts.

Given the above, Planning staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore it is the opinion of staff that impacts to the streetscape will be negligible and impacts to abutting properties will be minor when compared to as of right permissions.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have re-visited the property and are attaching recent photos which depict both the fireplace structure (variance#7) and the existing accessory structure (shed). The Grading Plan approved for this property, Lot# 92 Plan 43M-1243 (Grading Plan C-33389) indicates that the drainage from the rear yard was designed to be directed to the existing catch basin on the abutting property to the north (Lot# 91).

The applicant has altered the approved drainage pattern by constructing a shed and garden area where a drainage swale across the rear property line would typically be constructed. Although the drainage pattern has been altered on this property, we cannot confirm if this has had an impact on the abutting properties as the Grading Plan C-33389 indicates that the drainage pattern of the abutting properties are independent of this property. We do note that in general adequate setbacks should be provided to accessory structures, in this instance 0.61M to ensure that approved drainage patterns are not impacted.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7364. Based on review of the information currently available in this permit application, we advise that the variances, as requested are correct.

Furthermore, we advise that the following variance be amended as follows:

1. A lot coverage of 41.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.

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: Sherri Takaloo, Zoning Examiner