

City of Mississauga Department Comments

Date Finalized: 2022-08-24	File(s): A324.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-09-01 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing accessory structure proposing:

1. An accessory structure area of 19.32sq.m (approx. 207.96sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
2. A lot coverage of 38.6% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% in this instance; and,
3. A setback of 0.05m (approx. 0.16ft) to the hardscaping whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hardscaping in this instance.

Background

Property Address: 3409 Brandon Gate Dr

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

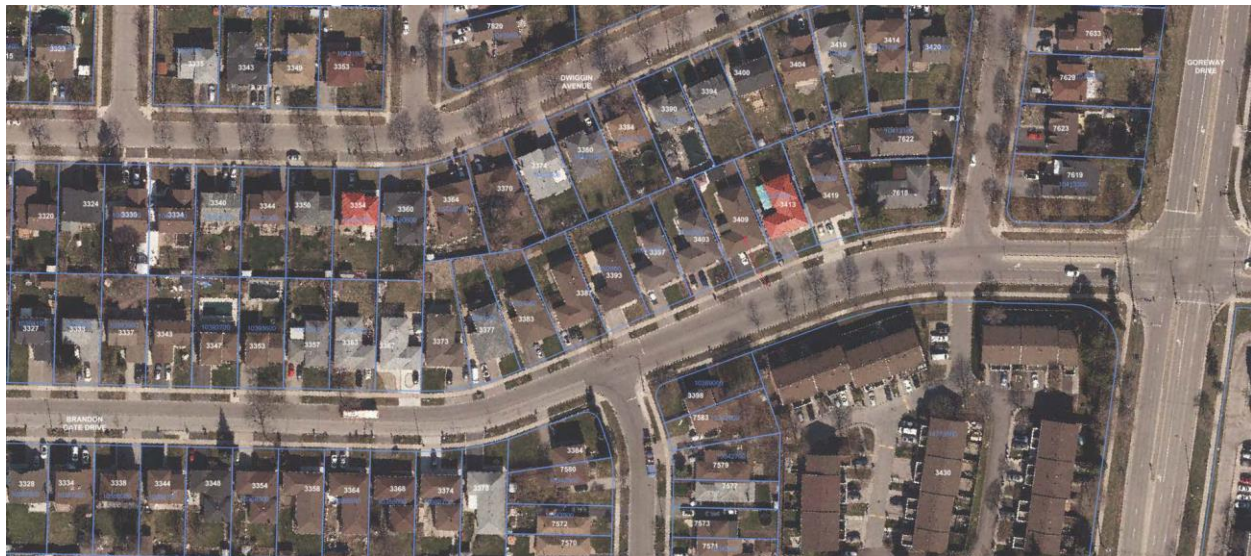
Zoning: R3-69 - Residential

Other Applications: BP 9NEW 19-9425

Site and Area Context

The subject property is located on the north side of Brandon Gate Drive, west of the Goreway Drive intersection in the Malton neighbourhood. It currently contains a single storey detached dwelling with an attached garage. Limited landscaping and vegetation elements are present in both the front and rear yards. The property has a lot frontage of +/- 15.24m (50ft) and a lot area of +/- 561.44m² (6,043.29ft²), which is characteristic of the detached homes in the area. The surrounding area context is residential, consisting of detached, semi-detached, and townhouse dwellings.

The applicant is proposing an accessory structure requiring variances for floor area, lot coverage, and setback to hardscaping.



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 Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. The designation permits detached, semi-detached and duplex dwellings. Section 9 of the 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 accessory structure is appropriate given the existing site conditions and are of the opinion that the application maintains the general intent and purpose of the official plan.

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

Variance 1 requests an increased floor area for the accessory structure. 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 3.5% of the overall lot area. Staff are satisfied that the structure is appropriate for and proportionate to the lot.

Variance 2 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. Staff note that the existing dwelling itself has a lot coverage that exceeds 30%, and excludes the accessory structure and front and rear porches. Staff are satisfied that the coverage on the lot is appropriately spread across the entirety of the lot and therefore does not create any massing issues or represent an overdevelopment of the subject property.

Variance 3 requests a reduced setback to the structure's concrete pad. The intent of this provision is to ensure that adequate and appropriate drainage patterns can be provided. Transportation and Works staff have raised no drainage related concerns, however they note that should there be any drainage concerns from the neighbouring property, the drainage should be redirected. Planning staff are in agreement with this position.

Given the above, Planning staff are of the opinion that the request maintains the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal represents appropriate development of the subject land. The request is minor in nature and will not have any additional impacts to abutting properties when compared to an as of right condition.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos which depict the accessory structure and concrete area which also contains a structure. The accessory structure has been equipped with an eavetrough and the downpipe is located such that drainage is directed into the applicant's rear yard which contains a significant size sodded area which should adequately accommodate any drainage.

Acknowledging that this property has a rear to front drainage pattern, should there be any concerns from the abutting neighbour with regards to drainage, then some regrading modifications could easily be made to this property to ensure that any drainage is directed to the front of the property.

With regards to variance#3, we note that a minimum 0.61m setback should typically be maintained, however in this instance, it appears that any drainage impact would only be to the applicant's lands.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 19-9425. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) 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: Sherri Takaloo, Zoning Examiner