

# City of Mississauga Department Comments

Date Finalized: 2022-08-24	File(s): A378.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-09-01 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act. 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 application to permit an accessory structure proposing:

1. A rear yard setback to hard surface landscaping of 0.68m (approx. 2.23ft) whereas By-law 0225-2007, as amended, requires a rear yard setback to hard surface landscaping of 0.61m (approx. 2.00 ft) in this instance; and,
2. A rear yard setback to a shed of 0.38m (approx. 1.25ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a shed of 0.61m (approx. 2.00ft) 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 is not required and should be removed, and variance #2 should be amended as follows:

2. An interior side yard setback to a shed of 0.38m (1.25ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to a shed of 0.61m (2.00ft) in this instance.

## Recommended Conditions and Terms

Should the Committee see merit in the application, staff request that the downspout be redirected in such a manor to not impact the neighbouring property.

## Background

**Property Address:** 246 Eaglewood Blvd

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

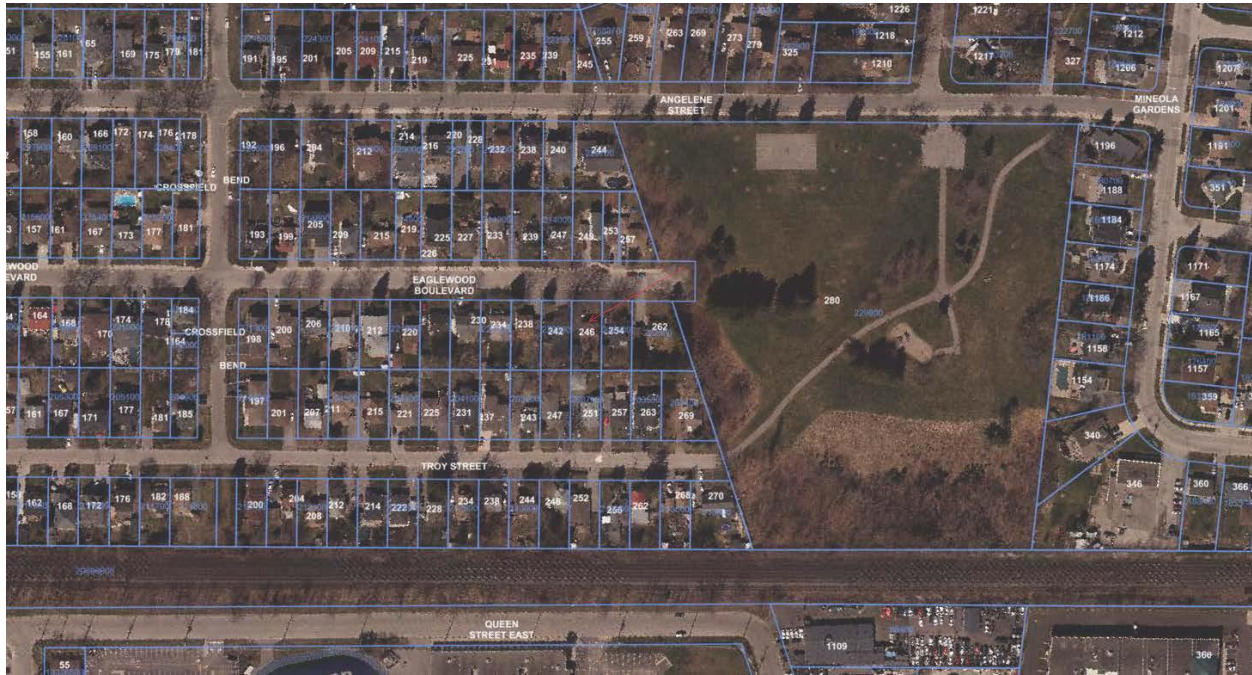
**Zoning:** R3-1 - Residential

**Other Applications:** POOL 21-68

### Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Mineola Road East and Hurontario Street intersection. The immediate neighbourhood contains a mix of housing types, including older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey dwelling with mature vegetation in the front yard.

The applicant is requesting variances for an existing shed (accessory structure), related to side and rear yard setbacks for hard surface landscaping and side yard setbacks for the accessory structure.



## 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 subject property is designated Residential Low Density Schedule II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplexes, triplexes, street townhouses, and other forms of low-rise dwellings.

Variance #2 is regarding a side yard setback to an 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. The intent in regulating setbacks to accessory structures is specifically to ensure the structures can be maintained and to ensure there are no issues regarding drainage. The applicant is not requesting any variances for accessory structure area or height, which would exacerbate the structure's massing. The only variance requested is for a side yard setback. While the proposed setback is small, the accessory structure does not present any massing concerns and will allow the side of the structure to be accessible for maintenance.

Through a detailed review of the application, staff is of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process. The application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for the Committees easy reference are photos of the existing structure. We ask that the down spout be redirected in such a manor to not impact the neighbouring property.









Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

In the absence of a development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Certificate of Occupancy, the applicant may consider applying for a preliminary zoning review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Gary Gagnier, Zoning Examiner

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