

City of Mississauga Department Comments

Date Finalized: 2022-10-12	File(s): A338.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-10-20 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 requested, 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 to allow an existing accessory structure and deck with:

1. An interior side yard setback of 0.0m to the wood deck, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.9ft) to a deck in this instance;
2. A accessory structure height of 3.8m (approx. 12.5ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.5m (approx. 11.5ft) in this instance; and,
3. A lot coverage of 41.37%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Amendments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-8673. Based on review of the information currently available in this permit application, we advise that variance # 1 and 3 should be amended as follows:

1. An interior side yard setback of 0.0m to the wood deck, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2ft) to a deck in this instance;
3. A lot coverage of 36.42%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Furthermore, we advise that variance # 2 does not appear to be required as the roof structure on the rear deck is not considered to be an accessory structure.

Conditions

Transportation and Works staff request that the gravel that has been placed within the Municipal boulevard on Sylva Road where the existing catch basin is located be reinstated with topsoil and sod.

Background

Property Address: 1193 Sylva Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Building permit under file BP 9ALT 21-8673.

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south west of the Dixie Road and South Service Road intersection. Directly north of the subject property is the Dixie Outlet Mall. The residential portion of the immediate neighbourhood consists of one and two storey-detached dwellings on lots with vegetation in the front yards. The subject property contains a two-storey dwelling with vegetation in the front yard.

The applicant is proposing an accessory structure and deck requiring variances related to setbacks, accessory structure height and lot coverage.



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:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings.

The Committee deferred this application on July 28th, 2022, to allow the applicant an opportunity to increase the interior side yard setback to the wood deck and to meet with Zoning staff to determine if additional variances are required for the existing structure/garage contained in the front yard.

With respect to Variance #1, the proposed wood deck is existing and is raised (per photos taken by Transportation and Works staff). Upon review of the applicant's previous submission, staff was of the opinion that the 0m setback to the wood deck would create and overlook concerns for the property owner to the west. However, the applicant has since revised their proposal to include a privacy screen on the proposed wood deck to address any privacy/overlook concerns.

Variance #3 pertains to lot coverage. This variance is required to accommodate the existing wood deck and is a minor deviation from the maximum lot coverage permitted. Furthermore, the wood deck does not have significant massing.

Staff note that additional variances may be required to accommodate the existing structure/garage contained in the front yard. However, the structure/garage is not the subject of this application. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, 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 Committees reference are photos of the existing structure and property. We advise that we have no concerns with the requested variances. We ask that the gravel that has been placed within the Municipal Boulevard on Sylva Road where the existing catch basin is located be reinstated with topsoil and sod.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-8673. Based on review of the information currently available in this permit application, we advise that variance # 1 and 3 should be amended as follows:

1. An interior side yard setback of 0.0m to the wood deck, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2ft) to a deck in this instance;
3. A lot coverage of 36.42%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Furthermore, we advise that variance # 2 does not appear to be required as the roof structure on the rear deck is not considered to be an 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

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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: Brandon Eidner, Zoning Examiner