

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): A530.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-11-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application. 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 for an existing accessory structure proposing:

1. A lot coverage of 42.56% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
2. A rear yard setback to an accessory structure of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance;
3. A side yard setback to an accessory structure of 0.28m (approx. 0.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to an accessory structure of 1.20m (approx. 3.94ft) in this instance; and,
4. An occupied area for an accessory structure of 11.16sq m (approx. 120.12sq ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area for an accessory structure of 10.00sq m (approx. 107.64sq ft) in this instance.

Background

Property Address: 616 Curzon Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: BP9NEW 19-9641

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Aviation Road and Lakeshore Road East. The neighbourhood is entirely residential, consisting primarily of one, two and three storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front and rear yards.

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



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*.

The subject property was previously part of Consent and Minor Variance applications B14.19, B15.19, A52.19 and A53.19. The applications were approved on February 14, 2019, and permitted an increased lot coverage of 39.7% on the subject lands.

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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex dwellings and triplexes. 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. The proposed accessory structure is compatible with the surrounding area. Furthermore, the existing wood fence screens the majority of the structure from neighbouring properties. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

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 proposed accessory structure (pergola) is existing, representing approximately 3.13% of the total lot coverage for the subject property. The accessory structure is approximately 12.5 times less in area than the area of the existing dwelling (39.44%). Staff note that the subject property did receive approval for an increased lot coverage of 39.7% in 2019. The existing pergola is clearly accessory to the dwelling on the subject lands, and is below the 5% maximum accessory structure lot coverage permitted by the by-law. The proposed setbacks represent a minor deviation from the regulations and Transportation and Works staff have indicated no concerns from a drainage perspective. Lastly, the accessory structure area proposed represents a minor deviation from the requirements of the zoning by-law and presents no concerns from a massing perspective, as it is a primarily open structure.

Staff is of the opinion that the variances, as requested, meet the general purpose and intent of the zoning by-law.

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

The variances are nominal in nature, do not pose any significant negative impacts to the streetscape or neighbouring lots and represents an appropriate use of the amenity space. Through a detailed review, staff is of the opinion that 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 information is a photos of the existing structure. We have no drainage related concerns.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comment

We note that a Building Permit application is not required for a pergola. In the absence of a Building Permit 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.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner