

City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): A486.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2022-11-03 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 the construction of an accessory structure proposing:

1. An accessory structure area of 61.59sq m (approx. 662.95sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. An accessory structure height of 4.01m (approx. 13.16ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance;
3. A lot coverage for an accessory building and structures of 5.34% whereas By-law 0225-2007, as amended, permits a maximum lot coverage for accessory buildings and structures of 5% in this instance;
4. An accessory structure area of 72.69sq m (approx. 782.43sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 60.00sq m (approx. 645.84sq ft) in this instance; and,
5. A side yard setback for an accessory structure of 0.9m (approx. 2.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback for an accessory structure of 1.20m (approx. 3.94ft) in this instance.

Amendments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-1751. Based on review of the information currently available in this permit application, the variances #1, 2 and 5, as requested are correct.

Furthermore, we advise that variances #3 and #4 should be amended as follows:

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3. A lot coverage combined for all accessory buildings and structures of 5.34% (72.73 sqm) whereas By-law 0225-2007, as amended, permits a maximum lot coverage combined for all for accessory buildings and structures of 5% (68.10 sqm) in this instance;

4. A maximum area occupied combined for all accessory buildings and structures of 72.69sq m (approx. 782.43sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory buildings and structures of 60.00sq m (approx. 645.84sq ft) in this instance;

Recommended Terms & Conditions

The accessory structure shall be equipped with an eaves trough and the downpipes shall be directed towards the applicant's rear yard, away from the abutting property.

Background

Property Address: 2390 Rosemary Dr

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

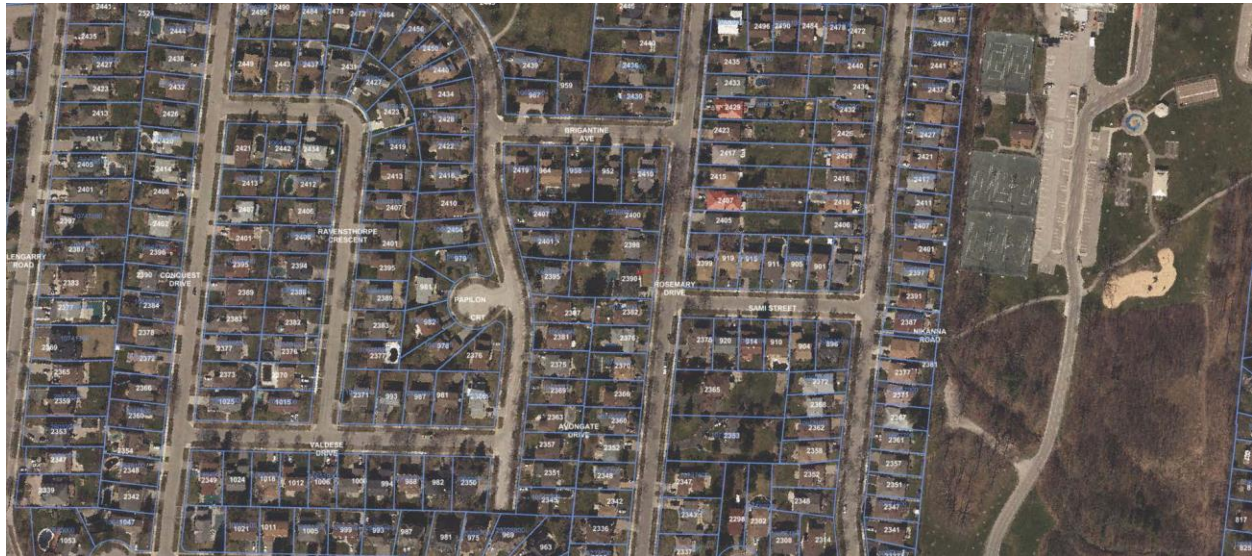
Zoning: R2 - Residential

Other Applications: PREAPP 22-1751

Site and Area Context

The subject property is located on the west side of Rosemary Drive, north of the intersection with Queensway West in the Erindale neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front and rear yards of the property. The surrounding area context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing an accessory structure in the yard requiring variances for height, area, combined area and lot coverage, and side yard setback.



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 Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is to be compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposed accessory structure is appropriately located on the subject property and will not create any impacts to the surrounding context. Staff are therefore satisfied 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?

Variances #1, 2 and 4 relate to accessory structure area and height. 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 note that the proposed height represents a small deviation from what is currently permitted as of right in the zoning by-law and do not anticipate any massing concerns as a result of the variance request. Staff further note that the floor area of the structures represents approximately 5.34% of the total lot area, approximately two and a half times less

than the size of the existing dwelling on the subject property (14.53% coverage). Furthermore no variance is required for overall lot coverage. Staff are of the opinion that the combined area increase for accessory structures being proposed is reasonable for the subject property and allows for the proposed structure to remain accessory to the principle use on the lands. It is the opinion of staff that the proposed structure is proportional, clearly accessory, and does not pose any massing concerns.

Variance #3 relates to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. The maximum lot coverage increase proposed for accessory structures on the subject property represents a small deviation from what is currently permitted as of right in the zoning by-law. Staff note that the proposed use would remain clearly accessory to the principle use on the subject property, being the detached dwelling for residential use.

Variance #5 relates to side yard setbacks. The general intent of this portion of the by-law as it relates to accessory structures is to ensure that an adequate buffer exists between structures on adjoining properties and that maintenance can be performed on the structure. Staff are satisfied that the proposal provides adequate space to maintain the structure and to accommodate drainage within the side yard.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is 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 impacts of the proposal on both the streetscape and abutting properties are minor in nature in this instance. Furthermore, the proposal represents appropriate development of the subject property at an appropriate scale and intensity of use.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that we have no objections to the proposed accessory structure. From our site inspection of the property we note that we do not foresee any drainage related concerns with the proposal provided that the accessory structure be equipped with an eaves trough and the downpipes be directed towards the applicant's rear yard away from the abutting property. From the enclosed photos it is evident that this property has a very large and sodded rear yard which can adequately accommodate any excess drainage from the proposal.

In addition we note that the property immediately to the rear has two existing catchbasins within a City 10ft storm sewer easement which is depicted on Plan C-13096 which accommodates drainage from the area.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-1751. Based on review of the information currently available in this permit application, the variances #1, 2 and 5, as requested are correct.

Furthermore, we advise that variances #3 and #4 should be amended as follows:

3. A lot coverage combined for all accessory buildings and structures of 5.34% (72.73 sqm) whereas By-law 0225-2007, as amended, permits a maximum lot coverage combined for all for accessory buildings and structures of 5% (68.10 sqm) in this instance;
4. A maximum area occupied combined for all accessory buildings and structures of 72.69sq m (approx. 782.43sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory buildings and structures of 60.00sq m (approx. 645.84sq ft) 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: Maria Fernandez, Zoning Examiner

Appendix 3 - Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner