

City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): A175.22 Ward: 5
To: Committee of Adjustment	
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 an existing rear deck, balcony and shed with:

1. A lot coverage of 41.19% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A minimum side yard setback of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. A minimum rear yard setback of 0.30m (approx. 0.98ft) to the shed whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance;
4. An accessory structure floor area of 11.98sq.m (approx. 128.95sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance;
5. An accessory structure (shed) height of 3.07m (approx. 10.07ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
6. A side yard setback of 0.10m (approx. 0.33ft) to the shed eaves overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.16m (approx. 0.52ft) to a shed eaves overhang in this instance;
7. A fireplace height of 5.05m (approx. 16.57ft) whereas By-law 0225-2007, as amended, permits a maximum fireplace height of 3.00m (approx. 9.84ft) in this instance.

Amendments

We advise that the following variance be amended as follows:

1. A lot coverage of 41.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.

Background

Property Address: 5461 Red Brush Dr

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications: BP 9ALT 21-7364

Site and Area Context

The subject property is located south-east of the Kennedy Road and Matheson Boulevard East intersection in the Hurontario neighbourhood. It contains a two storey detached dwelling with limited landscaping and vegetative elements in both the front and rear yards. The lot has a frontage of +/- 9.75m (32ft) and a lot area of +/- 381.9m² (4,110.7ft²). The surrounding area context consists of detached dwellings on lots of similar sizes. Industrial uses and municipal recreation facilities (Iceland Arena) are also present within the larger area context.

The applicant is proposing a rear deck, balcony, and accessory structure requiring variances for lot coverage, setbacks, floor area, and height.



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 proposed deck, balcony, and existing shed were previously before the Committee at the August 25, 2022 hearing date. At that time there were concerns that the sign had not been posted in accordance with the requirements of the Planning Act, and the application was deferred to allow for proper notice.

The proposal before the Committee today remains unchanged from the August 17 proposal. Staff continue to have no objections to the proposal, and maintain the position from the previous comments dated August 17, 2022.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have again re-visited the property and are attaching recent photos which depict both the fireplace structure (variance#7) and the existing accessory structure (shed). The Grading Plan approved for this property, Lot# 92 Plan 43M-1243 (Grading Plan C-33389) indicates that the drainage from the rear yard was designed to be directed to the existing catch basin on the abutting property to the north (Lot# 91).

The applicant has altered the approved drainage pattern by constructing a shed and garden area where a drainage swale across the rear property line would typically be constructed. Although the drainage pattern has been altered on this property, we cannot confirm if this has had an impact on the abutting properties as the Grading Plan C-33389 indicates that the drainage pattern of the abutting properties are independent of this property. We do note that in general adequate setbacks should be provided to accessory structures, in this instance 0.61M to ensure that approved drainage patterns are not impacted.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7364. Based on review of the information currently available in this permit application, we advise that the variances, as requested are correct.

Furthermore, we advise that the following variance be amended as follows:

1. A lot coverage of 41.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, 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: Sherri Takaloo, Zoning Examiner

Appendix 3 - Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner