

City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A464.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the existing accessory structure (pavilion) to be maintained proposing a floor area of 28sq.m (approx. 301.38sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 20sq.m (approx. 215.28sq.ft) for an accessory structure in this instance.

Background

Property Address: 516 Comanche Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2-Residential

Other Applications: BP9NEW 22-2451

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Queen Elizabeth Way and Mississauga Road. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings on large lots with

mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the rear yard.

The applicant is proposing an accessory structure requiring a variance for floor 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*.

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 Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings. 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. Planning staff note that the proposal maintains the permitted detached dwelling use and that the proposed development is appropriate given the existing site conditions and the surrounding context. Staff are therefore of the opinion 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?

The applicant's proposal is for 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 are clearly accessory, while not presenting any massing concerns to neighbouring lots. With respect to the requested variance, staff note that the subject property permits a combined accessory structure area of 60m² (645.84ft²), which is greater than the applicant's proposal. Staff note that no additional accessory structures exist on the subject property. Furthermore, the proposed structure will cover approximately 1% of the subject property. By comparison, the detached dwelling covers approximately 37% of the subject property. Therefore, staff are of the opinion that the proposed structure is proportional to the lot and dwelling and is clearly subordinate to the detached dwelling use. In addition, the proposal does not require additional variances for height, lot coverage or setbacks, which can have the effect of exacerbating a structure's massing.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore, it is the opinion of staff that the proposal does 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 are 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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-22/2451.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-2451. Based on review of the information currently available in this permit application, the variance, as requested is correct.

We also advise that more information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted 11/28/2022 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.

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Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

We have no objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services