

City of Mississauga Department Comments

Date Finalized: 2023-03-15	File(s): A480.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-03-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance for an existing shed on the subject property proposing:

1. An accessory structure with an area of 46.77sq m (approx. 502.67sq ft) whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance; and,
2. A rear yard setback to a shed of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard shed setback to a shed of 1.20m (approx. 3.94ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in application A480.22, Transportation and Works request that eaves troughs be installed on the existing sheds. The smaller shed would require an eaves trough along the rear side of the structure. The larger shed would require an eaves trough at the right side where the single man door is located. All down spouts are to be directed in such a manor to not impact adjacent lands.

Background

Property Address: 1262 Canvey Cres

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: BP 9NEW 22-2393

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southwest of the Southdown Road and Truscott Drive intersection. The immediate area consists of a mix of older and newer one-storey detached dwellings on lots with limited vegetation in the front yards. Further south of the subject property, semi-detached and townhouse dwellings can be found. The subject property contains an existing one-storey detached dwelling with limited vegetation in the front yard.

The applicant is requesting approval for an existing shed that requires variances related to accessory structure area and rear 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 are as follows:

City Department and Agency Comments	File:A480.22	2023/03/10	3
-------------------------------------	--------------	------------	---

The Committee deferred the above noted application on November 17th, 2022 to allow the applicant an opportunity to confirm the accuracy of the requested variances with Zoning staff and to provide revised drawings indicating the area, setbacks and dimensions of both accessory structures. The Committee and staff were unable to evaluate the applicant's request to legalize the existing accessory structures in absence of this information.

On January 18th, 2023, the applicant's agent provided staff with a revised set of drawings referencing the area, setbacks and dimensions of both accessory structures.

Upon review of the requested information, staff note that variance #1 is incorrect, variance #2 is not required and that an additional variance for an accessory structure height of 3.89m (12.76ft) is required.

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Clarkson-Lorne Park Neighbourhood Character Area, and is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached and duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. Section 9 of the 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. Staff note there are two accessory structures on the subject property. Staff are of the opinion that the existing accessory structures are inappropriate, not accessory to the detached dwelling, and represent an overdevelopment of the subject property. Therefore, staff is of the opinion that the general intent and purpose of the official plan is not maintained.

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

Variance #1 requests an increase in the maximum floor area 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 to the principle use. Furthermore, that there are no massing concerns to neighbouring lots. Staff note that this variance is incorrect, as a lot of this size is permitted a maximum accessory structure area of 10m² (107.64m²), not 20m² (215.28ft²) in this instance. Under the current zoning provisions regulating accessory structures, the maximum total combined floor area permitted for accessory structures on lots of this size is 30m² (322.917ft²). Therefore, the applicant also requires an additional variance to allow for a combined floor area of 55.68m² (599.33ft²). Staff are unable to support this additional variance as the combined floor area of the two existing accessory structures represents more than half of the size of the footprint of the existing dwelling on the subject property. Staff lastly note that Zoning staff have identified an additional variance for an accessory structure height of 3.89m (12.76ft), where a maximum height of 3.0 m (9.84ft) is permitted. Planning staff are of the opinion that this variance is excessive and will impose massing impacts upon adjacent properties.

As such, staff are of the opinion that the existing structures are not accessory nor proportional to the lot or dwelling and will pose massing concerns to adjacent properties. Therefore, the general intent and purpose of the zoning by-law is not maintained.

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

Planning staff are of the opinion that this application is inappropriate, represents overdevelopment of the lands, and is not minor in nature. The accessory structures are not accessory and impose massing concerns upon the neighbouring properties.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos of the existing 2 sheds on the property. We advise that both structures are to be equipped with eaves trough and down spout directed in such a manner to not impact adjacent lands. The smaller shed would require an eaves along the rear side. The larger shed would require an eaves at the right side where the single man door is located. All down spouts are to be directed in such a manner to not impact the adjacent lands.







City of Mississauga Department Comments

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-2393. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. An accessory structure with an area of 46.77sq m (approx. 502.67sq ft) whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum area of 10.00sq m (approx. 107.63sq ft) in this instance;

Variance # 2 is not required.

Please add the following variances:

3. An accessory structure with a height of 3.89 m (approx. 12.76 ft) from established grade whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum height of 3.0 m (approx. 9.84 ft) in this instance;

Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Please apply previous comments.

Comments Prepared by: Patryca Menko, Junior Planner