

City of Mississauga Department Comments

Date Finalized: 2023-03-22	File(s): A15.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-03-30 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 to allow an existing house, cabana and shed proposing:

1. A cabana area of 43.54sq m (approx. 468.66sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. A lot coverage of 52.46sq m (approx. 564.67sq ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 44.04sq m (approx. 474.04sq ft) in this instance;
3. A side yard setback to the shed of 1.06m (approx. 3.48ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the shed of 1.20m (approx. 3.94ft) in this instance;
4. A front yard setback to the dwelling of 5.82m (approx. 19.09ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance and,
5. A driveway width of 7.51m (approx. 24.64ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Amendments

The Building Department is currently processing a Building Permit under file 23-5509. 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. Based on review of the information currently available in this permit application, we advise that variance number two should be amended as follows:

2. A proposed lot coverage combined for all accessory buildings and structures of 6% of the lot area (52.46m²); whereas By-law 0225-2007, as amended, required a maximum of 5% of the lot area (44.04m²) lot coverage combined for all accessory buildings and structures.

Background

Property Address: 552 Lynd Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications: Building Permit under file 23-5509

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of the Cawthra Road and Arbor Road intersection. The neighbourhood is entirely residential, consisting of a mix of older and newer one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a newer two-storey single detached dwelling with mature vegetation in the front yard.

The application proposes variances to legalize an existing dwelling and accessory structures requiring variances related to accessory structure area and coverage, setbacks and driveway width.



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*.

"[Enter info here]"

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The property is located in the Clarkson – Lorne Park Neighbourhood Character Area and is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character streetscape.

Variances #1, 2 (as amended) and 3 pertain to accessory structures. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot, dwelling, and clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that the subject property is permitted a combined accessory structure area of 60m² (645.84ft²). The two accessory structures existing on the subject property have a combined area of 52.46m² (564.67ft²), below the combined maximum permitted. The structures are also clearly accessory to the dwelling as they only cover 6% of the lot (combined), where the dwelling covers 22% in this instance. Staff have no concerns regarding variance #2 and 3 as both variances represent minor deviations from the maximum requirements. With respect to variance #3, the proposed setback ensures adequate space for

maintenance purposes. Lastly, no additional variances for height are required, which can exacerbate the massing of a structure.

Variance #4 is for a front yard setback. Staff note that this variance is technical in nature, as the frontage of the property is angled and the variance is only required at one point. The majority of the dwelling maintains a front yard setback greater than the minimum 7.5m (24.61ft) requirement.

Variance #5 is for a driveway width. The proposed 7.51m (24.64ft) portion of the driveway is located directly in front of the garage with a depth of less than 1.5m (4.92ft). This portion of the driveway cannot accommodate additional parking. The remaining driveway maintains a width between 5.2(17ft) and 6.09m (19.98ft), a minor deviation from the maximum 6m requirement.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, 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 easy reference are photos of the existing driveway and structure. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling and structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/5509.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file 23-5509. 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. Based on review of the information currently available in this permit application, we advise that variance number two should be amended as follows:

2. A proposed lot coverage combined for all accessory buildings and structures of 6% of the lot area (52.46m²); whereas By-law 0225-2007, as amended, required a maximum of 5% of the lot area (44.04m²) lot coverage combined for all accessory buildings and structures.

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: Andrea Patsalides, Zoning Examiner

Appendix 3- Region of Peel

Minor Variance Application: A-15/23 - 552 Lynd Avenue

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- There is a Regional easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Patrycia Menko, Junior Planner