

# City of Mississauga Department Comments

Date Finalized: 2023-04-24	File(s): A102.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing:

1. A front yard setback of 6.07m (approx. 19.91ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance and,
2. A shed area of 15.30sq m (approx. 164.69sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 10.00sq m (approx. 107.64sq ft) in this instance.

## Background

**Property Address:** 2643 Misener Cres

### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3- Residential

**Other Applications:** File BP 9ALT-23/5790.

### Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southeast of the Dundas Street West and Liruma Road intersection. The immediate neighbourhood is entirely residential, consisting of one, one and a half and two-storey detached dwellings with mature vegetation and landscape elements in both the front and side yards. The subject property contains a two-storey dwelling with vegetation in the property's front yard.

The applicant is proposing an addition and accessory structure requiring variances related to front yard setback and accessory structure 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 within the Sheridan Neighbourhood Character Area and is designated Residential Low Density II. This designation permits detached 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. Staff are of the opinion that the proposed built form is compatible with the surrounding context and maintains the general intent and purpose of the official plan.

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

Variance #1 pertains to front yard setbacks. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The applicant is constructing an addition proposing a front yard setback of 6.07m (19.91ft). Staff note that variance #1 is only required to accommodate a projecting garage. The remaining portion of the dwelling's façade exceeds the by-law's requirement. Furthermore, proposed front yard setback will better align the dwelling with existing dwellings to the north and south; as the existing dwelling provides a greater front yard setback than the abutting properties to the north and south.

Variance #2 pertains to accessory structure area. 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. The proposed accessory structure would maintain a gross floor area of 15.3m<sup>2</sup> (164.69ft<sup>2</sup>) representing a minor deviation from the existing regulation. The applicant is not requesting variances for height or setbacks, which may exacerbate the massing of the structures. The proposed structure is clearly subordinate to the main dwelling and is proportional to the lot. Lastly, a maximum occupied combined area for accessory structures of 30m<sup>2</sup> is permitted as of right. In this situation, the proposed accessory structure is less than the maximum combined area permitted.

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

Staff are satisfied that the proposal represents appropriate development of the subject property and will not have significant impacts on abutting properties or the streetscape when compared to an as of right condition. The variances, in the opinion of staff, are minor in 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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/5790.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9ALT 23-5790. Based on review of the information currently available in this application, the variances, as requested are correct.

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: Gary Gagnier; Zoning Examiner

### **Appendix 3- Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner