

City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A489.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application. 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 application to allow an accessory structure proposing:

1. An interior side yard setback to an accessory structure of 0.6m (approx. 2.0ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to an accessory structure of 1.2m (approx. 4.0ft) in this instance;
2. An interior side yard setback to a porch in the rear yard of 0.43m (approx. 1.41ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to a porch of 0.61m (approx. 2.00ft) in this instance;
3. A combined side yard width of 16.88% whereas By-law 0225-2007, as amended, requires a combined side yard width of 27% in this instance;
4. A height of an accessory structure of 3.7m (approx. 12.14ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.5m (approx. 11.48ft) in this instance; and,
5. A lot coverage of 35.84% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance.

Background

Property Address: 1616 Kenmuir Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

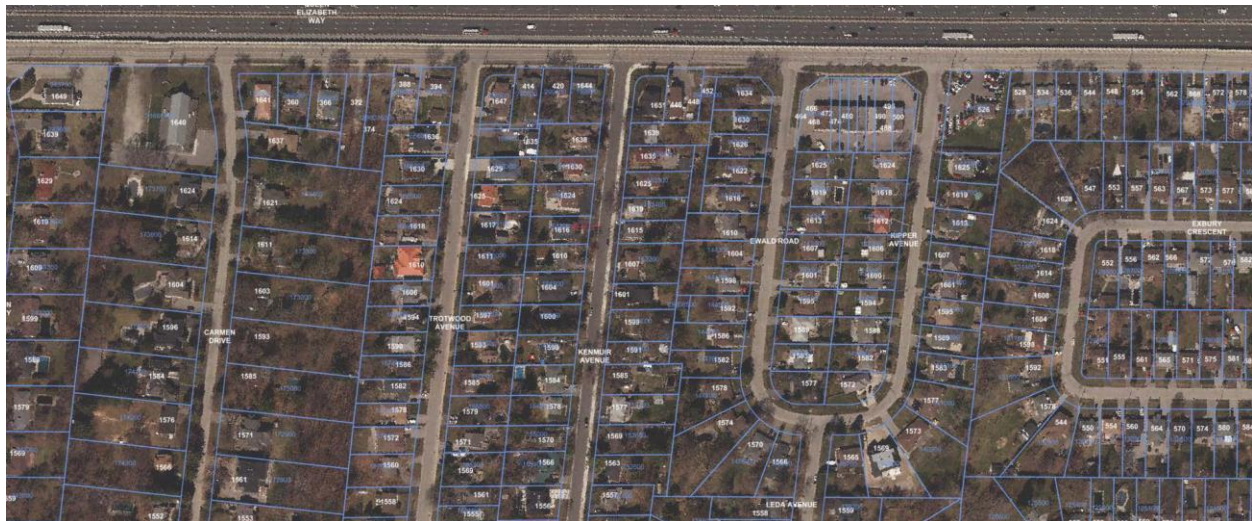
Zoning: R3-1 - Residential

Other Applications: Building Permit under file BP 9ALT 21-7020.

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, south of the Queen Elizabeth Way and South Service Road. The immediate neighbourhood contains a mix of housing types, including older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to accessory structure height and setbacks, setbacks to a porch, lot coverage and combined side yard 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*.

Staff comments concerning the application are as follows:

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

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street towns and other forms of low-rise dwellings with individual frontages.

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 structure is permitted and appropriate given 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 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.

Variance #1 and 2 pertain to setbacks. Staff are of the opinion that the proposed setbacks provide an adequate buffer from the side lot line. The proposed setbacks are also not out of character, as similar deficiencies for accessory structures can be found in the immediate neighbourhood. Furthermore, the setbacks ensures access to the accessory structure is maintained for maintenance purposes.

Variance #3 is for combined side yard width. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed side yards maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variance #4 is for accessory structure height. Staff have no concerns with the proposed accessory structure height, as the proposed height is a minor deviation from the maximum height permitted.

Variance # 5 pertains to lot coverage. Variance #5 proposes a lot coverage of 35.84%, where a maximum of 35% is permitted. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. In this instance, the existing lot coverage on the subject property is 29%. The portion of the lot coverage that exceeds the by-law is attributable to the proposed accessory structure and covered rear patio. Staff note that the proposed patio is primarily open and therefore does not create massing concerns. Further, the proposed accessory structure does not require additional variances for height or area, lessening its massing impact. Lastly, the proposal is to increase the lot coverage by 0.84% over the maximum permitted, which is minor and negligible.

Given the above, staff are satisfied that the application maintains the general intent and purpose of the zoning by-law.

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

Enclosed for the Committees information are photos of the existing property. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed structure will be addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-21/7020, where they are asking for all structures to be equipped with an eaves trough and down spout directed in such a manor to not impact any adjacent properties.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7020. Based on review of the information currently available in this permit application, variances # 1, 2, 4 and 5 as requested are correct.

Furthermore, we advise that more information is required in order to determine the accuracy of variance # 3.

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: Brandon Eidner, Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner