

City of Mississauga Department Comments

Date Finalized: 2023-06-07	File(s): A161.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-15 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.

Application Details

The applicant requests the Committee to approve minor variances to permit existing landscape alterations and a rear yard cabana proposing:

1. A porch encroachment of 1.74m (approx. 5.70ft) into the front yard whereas By-law 0225-2007, as amended, permits a porch encroachment of 1.60m (approx. 5.24ft) into the front yard in this instance;
2. A set of planters encroaching 2.36m (approx. 7.74ft) into the required front yard whereas By-law 0225-2007, as amended, does not permit planters to encroach into the front yard in this instance; and,
3. An accessory structure area of 31.02 sq.m (approx. 333.89sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure area of 20.00 sq.m (approx. 215.27sq.ft) in this instance.

Background

Property Address: 1393 Brackencrest Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

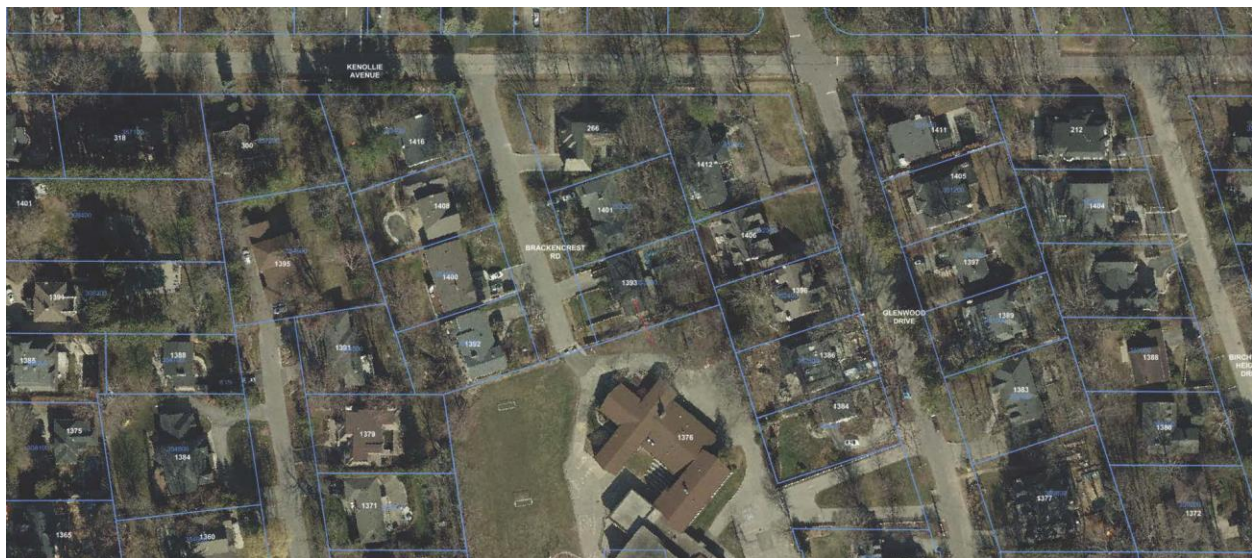
Zoning: R2-4-Residential

Other Applications: Building Permit application under file PREAPP 23-5848.

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southeast of the Kenollie Avenue and Stavebank Road intersection. Abutting the subject property to the south is Kenollie Public School. The subject property contains a two-storey detached dwelling with vegetation in the front yard. The surrounding area consists of one and two-storey detached dwellings with mature vegetation in the front yards.

The applicant is proposing variances to permit existing landscape alterations and an accessory structure. Variances for encroachments and accessory structure are requested.



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:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

Variance #1 and 2 are related to encroachments. The applicant is proposing a porch and planters that will encroach into the front yard. Staff have no concerns with these variances as these structures do not present massing concerns and the existing detached dwelling meets all front yard setback requirements.

Variance #3 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 are clearly accessory, while not presenting any massing concerns to neighbouring lots. The proposed structure is clearly accessory, proportional to the lot, and dwelling and create no massing concerns. Staff note that no variances for setbacks, lot coverage or height are required, which can have the effect of creating a disproportional structure with excessive massing. Furthermore, no other accessory structures exist or are being proposed on the subject property and the proposal is still below the combined accessory structure area requirement.

Staff's opinion that the applicant's proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. 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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed cabana and landscaping will be addressed by our Development Construction Section through the future Building Permit process. Enclosed are pictures of the front landscaping and the also the concrete pad where the cabana will sit.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file PREAPP 23-5848. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 03/10/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner