

City of Mississauga Department Comments

Date Finalized: 2023-06-07	File(s): A672.22
To: Committee of Adjustment	Ward: 2
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 a minor variance to allow the construction of a cabana and landscaping proposing:

1. A cabana with an area of 29.50sq m (approx. 317.54sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana with an area of 10.00sq m (approx. 107.64sq ft) in this instance;
2. A hard scape setback of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum hard scape setback of 0.61m (approx. 2.00ft) in this instance; and,
3. A driveway walkway width of 1.716m (approx. 5.63ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway width of 1.50m (approx. 4.92ft) in this instance.

Amendments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-3189. Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

1. A cabana with an area of 29.60sq m (approx. 318.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana with an area of 10.00sq m (approx. 107.64sq ft) in this instance;
2. A setback of 0.31m (approx. 1.02ft) to hard surface landscaping in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscaping in the rear yard, in this instance;

Furthermore, we advise that the following variance should be added:

4. A setback of 0.31m (approx. 1.02ft) to the nearest part of the driveway, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.6m (approx. 2.00ft) to the nearest part of the driveway, in this instance;

Background

Property Address: 2453 Bonner Rd

Mississauga Official Plan

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

Zoning By-law 0225-2007

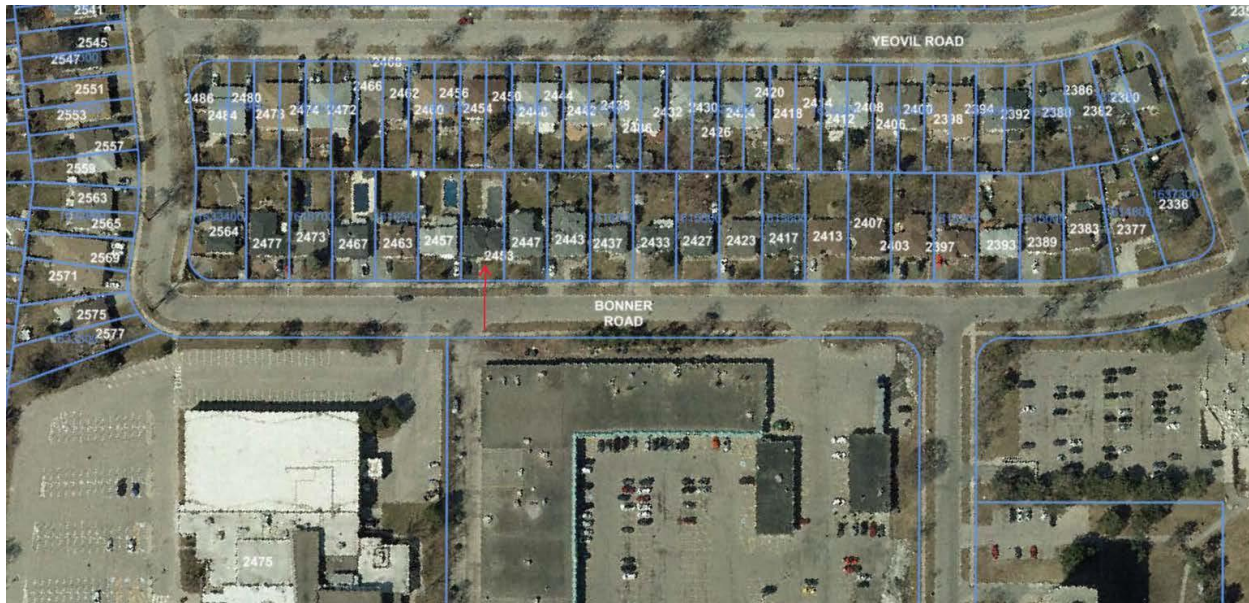
Zoning: R3 - Residential

Other Applications: Building permit BP 9ALT 22-3189

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood, east of the Winston Churchill Boulevard and Truscott Drive intersection. The neighbourhood contains a mix of uses. Residential uses exist primarily in the form of one and two-storey detached and semi-detached dwellings with little mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with little vegetation in the front yard.

The applicant is proposing a cabana and landscaping requiring variances related to accessory structure area, setback to hardscaping and walkway attachment 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:

The Committee deferred the above noted application on January 12, 2023. The Committee echoed staff's concerns with respect to the accuracy of the requested variances. Further, the labelling on the applicant's drawings were labelled ambiguously and that the proposed increased cabana area was excessive.

Zoning staff have reviewed the revised proposal for accuracy and noted amendments from the original application.

The applicant has reduced variance #1, the cabana area, from 40.09m² (440.24ft²) to 29.5m² (317.54ft²) and reduced variance #3, the walkway attachment width, from 2.84m (9.32ft) to 1.72m (5.63ft).

Variance #1 is for cabana 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, height or gross floor area are required, which can have the effect of creating a disproportional structure with excessive massing.

Variance #2 is for a setback to hard surface landscaping. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties to allow for adequate drainage. Transportation and Works staff have indicated that in this instance, the deck paving is sufficiently setback from all lot lines and can accommodate a swale to allow for proper drainage.

Variances # 3 relates to a walkway attachment. Staff have no concerns with this variance as the proposed walkway is not wide enough to accommodate a parking space and the value of the variance represents a minor deviation from the requirement.

Staff's opinion is that the applicant has revised proposal addresses concerns raised from the first submission and 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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-22/3189.

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 22-3189. Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

1. A cabana with an area of **29.60**sq m (approx. 318.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum cabana with an area of 10.00sq m (approx. 107.64sq ft) in this instance;
2. A setback of 0.31m (approx. 1.02ft) to hard surface landscaping in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscaping in the rear yard, in this instance;

In addition, variance # 3 can't be confirmed at this time and the following minor variance should be added:

3. A setback of 0.31m (approx. 1.02ft) to the nearest part of the driveway, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.6m (approx. 2.00ft) to the nearest part of the driveway, in this instance;

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

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner