

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A349.23 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve minor variances to allow an accessory structure proposing:

1. An accessory structure size of 32.64 sq.m (approx. 351.11 sq.ft) whereas By-law 0225-2007, as amended, permits an accessory structure size of 10 sq.m (approx. 107.63 sq.ft) in this instance;
2. A combined accessory area of 32.64 sq.m (approx. 351.11 sq.ft) whereas By-law 0225-2007, as amended, permits a combined accessory area of 30 sq.m (approx. 322.91 sq.ft) in this instance;
3. A combined coverage of 5.6% whereas By-law 0225-2007, as amended, permits a combined coverage of 5% in this instance; and,
4. An accessory structure height of 3.66m (approx. 12ft) whereas By-law 0225-2007, as amended, permits an accessory structure height of 3.0m (approx. 9.84ft) in this instance.

Amendments

Variance 3 does not apply as this provision relates to lots with a lot area greater than or equal to 750 m sq where the subject lot is 573.0 m sq.

Background

Property Address: 6633 Eastridge Rd

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-12-Residential

Other Applications: BP 9NEW 23-7544

Site and Area Context

The subject property is a pie shaped lot located within the Meadowvale Neighbourhood Character Area, north-west of the Erin Mills Parkway and Battleford Road intersection. The property is an interior lot on the edge of the subdivision, backing on to industrial buildings that front onto Millcreek Drive. This portion of Eastridge Road is a cul-de-sac containing two storey detached dwellings. The lot has an area of +/- 567.04m² (6,103.56ft²) and a frontage of +/- 12.29m (40.32ft).

The applicant is proposing an accessory structure in the rear requiring variances for floor area, coverage and height.



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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), in the Meadowvale Neighbourhood Character Area, which permits detached, semi-detached, and duplex 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. The proposed accessory structures are in the rear of the property, separated from the public realm. The structures are compatible with the surrounding area and do not pose any significant impact to the abutting properties. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The proposed accessory structure requires variances for floor area, accessory structure lot coverage and height. The intent of the accessory structure regulations is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory to the primary use of the lot while not present any massing concerns to neighbouring properties.

Variance 1 and 2 relate to the floor area of the accessory structure. The combined floor area of the accessory structure exceeds the maximum permitted by the by-law by 2.64m² (28.41ft²). Staff are of the opinion that this will have no significant impact on the surrounding properties. While the proposed accessory structure is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding the structure reduces its massing impact. No additional variances for setbacks have been requested which further mitigates any potential impact. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands. Staff are also satisfied that any massing impacts on abutting properties or the streetscape are minor in nature.

Variance 4 relates to the height of the accessory structure. The intent of the height provision is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to the neighbouring lots. Due to the grading of the subject property, the "Established Grade", which is the level from where height is measured, is below finished grade around the entire accessory structure. This further mitigates any potential impacts from the increased height. If the structure was measured at finished grade, it would stand at 3.05m, which represents a small deviation from what is currently permitted as of right in the zoning by-law.

Given the above, staff are of the opinion that the variances maintain 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?

Staff are of the opinion that the proposed accessory structure will not have any significant impacts on neighbouring properties and represent appropriate development of the subject lands. As such, the variances are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are a number of photos which depict the area where the accessory structure is being proposed. As clearly evident from the photos the applicant has excavated the entire rear yard, approximately 1 metre in depth and removed the topsoil from the property. We note that there is an existing easement (Instrument No: RO67290) across the rear property line which we believe is a utility easement and cannot confirm if this easement has been impacted by the excavation.

The Grading Plan approved for this property under the Registered Plan of Subdivision, DWG C-20590 (DWG No: 5305-2-5 prepared for Markborough Properties Ltd) indicates that drainage from the rear yard area was designed to drain in a southerly direction via a drainage swale towards the existing catch basin located on the abutting property to the south (Lot#47). From the Grading Plan reviewed we note that the rear yard for the property to the north (Lot# 49) was designed to drain to the north and has not been impacted by the extensive excavation which has occurred on the subject property.

In view of the above special attention should be given to ensure that drainage pattern for this property be maintained in light of the proposed cabana, pool and extensive hard surface being proposed. Acknowledging that this proposal will be subject to the typical Building Permit review where our Development Construction Section will be commenting, we do have a suggestion which should be taken into consideration. Noting the extensive hard surface area being proposed in the rear yard, it would be suggested that a portion of the hard surface area (interlock stones) be replaced with a sodded area towards the southerly portion in the area where the surface drainage is proposed to be directed across to the abutting lot to the south. In so doing this would help alleviate any concentrated flows into the neighbour's property at times of heavy rainfall.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9NEW 23-7544. Based on review of the information currently available for this building permit, we advise that more information is required to determine whether additional variance(s) will be required.

Variance 3. does not apply as this provision relates to lots with a lot area greater than or equal to 750 m sq where the subject lot is 573.0 m sq.

Further, while we can confirm the variances as requested are correct, additional information is required to determine whether additional variance(s) will be required with respect to (among other things) the rear yard decorative paving, as well as all site surface treatment,

Our comments are based on the plans received by Zoning staff on 05/17/23 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

Minor Variance: A-23-349M / 6633 Eastridge Road

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Junior Planner