

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A313.23 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 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 accessory structure proposing:

1. A setback from the pool to the rear property line of 1.38m (approx. 4.53ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the rear of 1.50m (approx. 4.92ft) in this instance;
2. A setback from the pool to the right side property line of 1.29m (approx. 4.23ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the right side of 1.50m (approx. 4.92ft) in this instance;
3. A setback from the deck to the right side property line of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
4. A setback from the shed to the right side property line of 0.15m (approx. 0.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
5. A setback from the interlock to the left side property line of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance; and,
6. A setback from the right side property line to the shed of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 7271 Windbreak Crt

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-13- Residential

Other Applications: POOL 23 69

Site and Area Context

The subject property is located north-east of the Winston Churchill Boulevard and Derry Road West intersection. It currently contains a two-storey detached dwelling with an attached garage. It is an interior lot with a lot frontage of +/- 9.71m (+/- 31.85ft) and a lot area of +/- 331.38m² (+/- 3,566.94ft). Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of detached dwellings on lots of generally similar sizes.

The applicant is proposing to legalize various setbacks from the existing pool, deck, shed and hard surfaced landscape material.



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 in the Meadowvale 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 and triplex dwellings, as well as 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. The existing pool is compatible with the surrounding area and a wood fence screens the existing pool in the rear yard. Further, an existing accessory structure is located on the right side yard of the property, separated from the public realm. The structure is compatible with the surrounding area and does 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?

Variations 1 & 2 relates to the rear and side yard setbacks for the existing pool. The intent of the pool regulations in the by-law is to ensure that they are appropriately located on the property, do not impact streetscape or neighbouring properties, and provide adequate drainage around the pool. The rear yard is enclosed with fencing which screens the pool appropriately and therefore limits the impact on the streetscape and neighbouring properties. Further, it provides sufficient privacy to the property owner and Transportation & Works staff note drainage is mitigated appropriately.

Variance 3 & 5 pertains to a side yard setback for the deck and hard surfaced landscaping. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, access to the rear yard ultimately remains unencumbered, and that appropriate drainage patterns can be maintained. The deck and hard surfaced landscaping have been placed directly along the lot line. The placement of the deck and hard surfaced landscaping in this location creates no massing issues and ensures full access to the rear yard is maintained over these surfaces. Furthermore, Transportation & Works staff have raised no drainage concerns.

Variance 4 requests a reduced side yard measured to an existing shed. The intent of side yard regulations is to ensure that there is a sufficient buffer between structures on abutting properties and that maintenance can be performed on the structures as required. Given the size and height of the shed comply with the zoning by-law, staff are satisfied that the reduced setback to the shed will not negatively impact the abutting property and that there is sufficient space for maintenance of the shed. Further, Transportation & Works staff do not foresee potential drainage concerns with the current position of the existing shed.

While Planning staff are not in a position to interpret the zoning by-law, staff note Variance 6 also captures a side yard setback to the existing shed. As there are no other accessory structures depicted on the plans provided, staff believe this variance is redundant and is not required. Variance 4 relates to the side yard setback to the shed and captures the setback at its most restrictive point.

Give the above, staff are satisfied 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?

Planning staff are of the opinion that the impacts of the proposal on the streetscape and abutting properties are minor in nature in this instance. Furthermore, the proposal represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

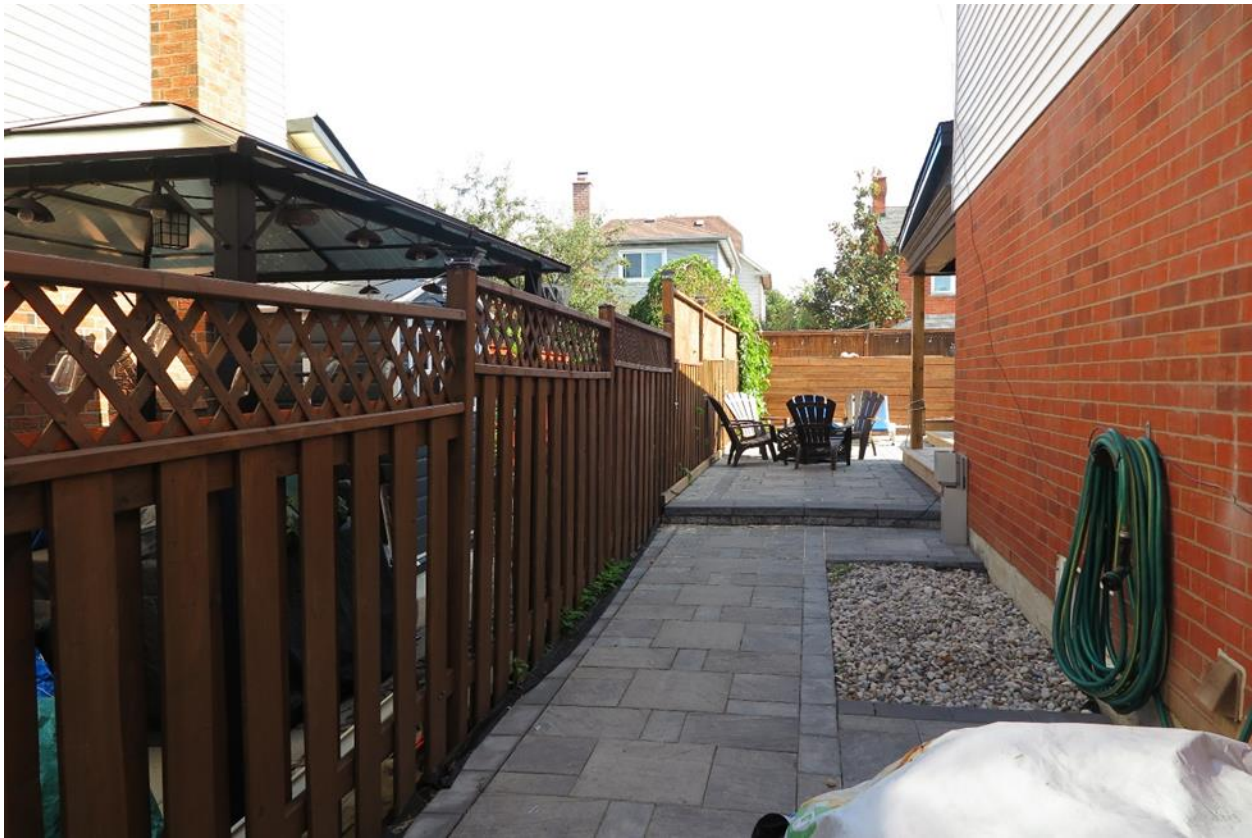
Enclosed for Committees easy reference are a number of photos depicting the subject property, in particular the areas where the variances for the pool setbacks, deck and shed are being requested. From our site inspection and the attached photos it is evident that this property has a rear to front drainage pattern which means that drainage is directed to the front. The applicant has put gravel in the area between the pool and the abutting neighbour to the rear and any drainage from this area can adequately be directed to the front causing no drainage impacts to the neighbour to the rear and in this regard we have no objections to Variances # 1 to 3.

Along the south-easterly property limits, for Variances # 4 and 6 we do acknowledge that the applicant has provided a very minimal setbacks, however, we also note that the abutting property owner has also constructed a structure with a very minimal setback. In this regard both property owners have impacted the drainage pattern, nevertheless, with the significant slope towards the front of the dwelling we do not foresee a drainage concern.

For Variance # 5, which deals with the setback from the interlock stones on the left side of the property, we do not foresee any drainage concerns as this area is free and clear of obstructions and there is a significant slope to the front of the property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner