

# City of Mississauga Department Comments

Date Finalized: 2023-11-22	File(s): A408.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-30 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the 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 to allow a proposed accessory structure proposing:

1. An exterior side yard setback of 0.87m (approx. 2.85ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.50m (approx. 14.76ft) in this instance; and,
2. A rear yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

## Background

**Property Address:** 934 Mays Cres

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

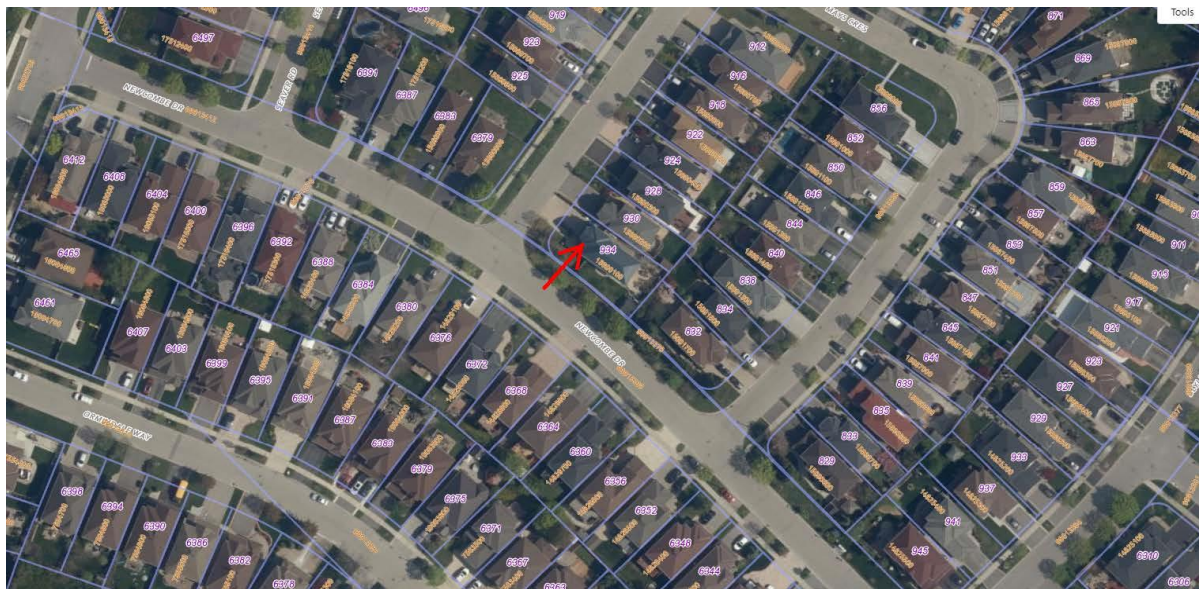
**Zoning:** R5- Residential

**Other Applications:** BP 23-7764

### Site and Area Context

The subject property is located south-west of the Highway 401 and Mavis Road interchange in the East Credit neighbourhood. It is a corner lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front yard. The property has an approximate frontage of +/- 14.08m (46.19ft) and a lot area of 494m<sup>2</sup> (5,317.37ft<sup>2</sup>), characteristics of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing to construct an addition on the subject property requiring variances for exterior side yard and rear yard setbacks.



## 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 East Credit 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 dwellings, triplexes, street townhouses 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. The proposal represents residential development in line with the designation. Staff are therefore of the opinion that the proposal maintains the general intent and purpose of the Official Plan

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

Variances 1 proposes a reduction in the exterior side yard setback measured to the proposed addition. The general intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided and that access to the rear yard ultimately remains unencumbered. Staff note the side property line of the subject property is not parallel to the proposed structure and the proposed setback is measured to a pinch point between the building and the lot line. Additionally, the side yard setback increases as the lot line moves away from the pinch point. Staff note the proposed addition is one-storey in height and are satisfied that the addition is appropriately located behind a privacy fence on a corner lot and that the existing fence provides adequate screening to prevent any detrimental impacts to the streetscape. Furthermore, the existing vegetation along the exterior side lot line provides additional screening to mitigate any potential impact.

Variance 2 pertains to a reduced rear yard setback. The intent of the rear yard provisions in the by-law is to ensure that there is a sufficient buffer between primary structures on abutting lots as well as an appropriate rear yard amenity area for the dwelling. Staff note that the proposed rear yard setback variance pertains to the proposed storage shed. Since the proposed storage shed contains an internal connection to the proposed sunroom addition, it is considered part of the main dwelling and is thereby required to maintain a 7.5m (24.60ft) rear yard setback. Staff note that the zoning by-law would only require a 0.61m (2ft) rear yard setback for accessory structures on the subject property, which is maintained by the proposed storage shed in this instance. Additionally, the storage shed does not span the entirety of the dwelling width. Due to the technical nature of the variance, staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is relatively unaffected by the proposed development.

In addition, Transportation and Works staff have noted no drainage concerns with the proposal.

Given the above, the proposal therefore 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?**

Staff are of the opinion that the proposal represents appropriate development of the subject property. The impacts of the variances will be minor in nature both on abutting properties and the streetscape.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As the subject lot is a corner lot and the proposed accessory structure (sunroom/storage shed) is being proposed in an area which will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the location of the proposed structure.

We do note for the applicant's information that an adequate area is to be maintained to the rear of the proposed storage shed to maintain the drainage swale to allow any drainage from the rear yard to be directed towards the roadway (Newcombe Drive).











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application B23-7764. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrea Patsalides, Zoning Examiner

### **Appendix 3- Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner