

# City of Mississauga Department Comments

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| Date Finalized: 2023-12-07                | File(s): A468.23<br>Ward: 6           |
| To: Committee of Adjustment               |                                       |
| From: Committee of Adjustment Coordinator | Meeting date:2023-12-14<br>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 an existing accessory structure proposing:

1. An exterior side yard setback to an accessory structure of 0.153m (approx. 0.502ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
2. An accessory structure area of 24.38sq m (approx. 262.42sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance; and,
3. An exterior side yard setback to a retaining wall of 0.607m (approx. 1.99ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance.

## Background

**Property Address:** 4885 Rosebush Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R5- Residential

## Other Applications: None

## Site and Area Context

The subject property is located south-west of the Eglinton Avenue West and Creditview Road intersect 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 on the subject property. The property has an approximate frontage of +/- 15.68m (51.44ft) and a lot area of +/- 496.81m<sup>2</sup> (5,347.61ft<sup>2</sup>), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is legalizing an existing accessory structure and hard surfaced landscaping material on the subject property requiring variances for exterior side yard setback and accessory structure area.



## 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. 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?**

Variations 1 and 3 propose a reduction in the exterior side yard setback measured to the existing accessory structure and retaining wall. The general intent of the side yard regulations is to ensure that an adequate buffer exists between the massing of primary structures, appropriate drainage can be provided and that access to the rear yard ultimately remains unencumbered. Staff note the proposed setbacks are located along the exterior lot line, and do not pose any massing concerns to the abutting properties. Additionally, staff note the proposed setbacks do not hinder access to the rear yard, as it remains unencumbered. Lastly, the Transportation & Works Department has reviewed the application and note no drainage concerns.

Variance 2 relates to an increase in accessory structure area. While the proposed accessory structure is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding the structure reduce its massing impact. Staff note that three legally sized accessory structures placed side by side at the same location on the property would have a similar massing impact as the proposal. No additional variances for height have been requested further mitigating any potential impact. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands and are satisfied that any massing impacts on abutting properties are minor in nature.

**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 significant impacts on the 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.

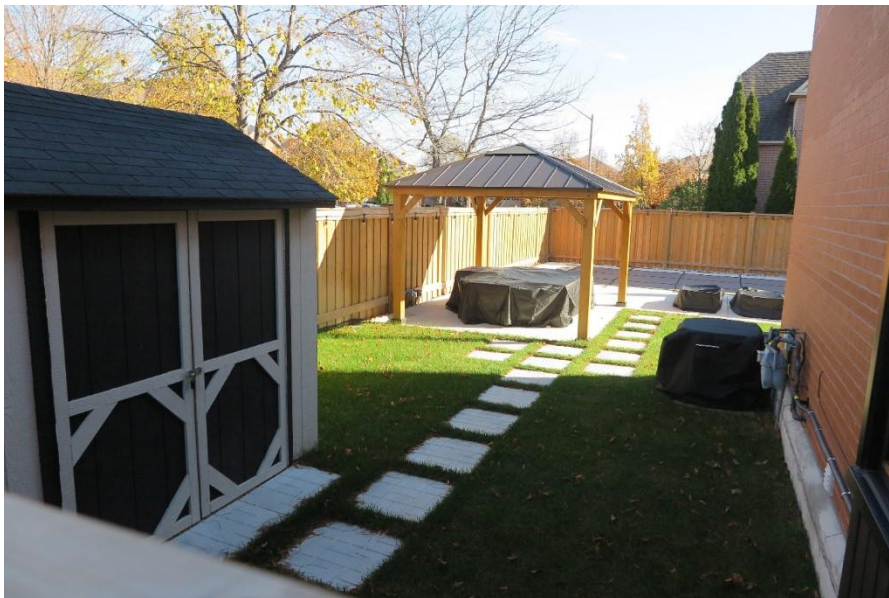
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As the subject lot is a corner lot and the accessory structure has been constructed in an area that will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the location of the accessory structure.

Comments Prepared by: Joe Alava, T&W Development Engineering







## 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: Minan Song, Planner in Training

## Appendix 3- Metrolinx

### 4885 Rosebush Road - A468.23

Metrolinx is in receipt of the minor variance application for 4885 Rosebush Rd to allow an existing accessory structure (pool equipment storage). Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

### Advisory Comment:

- As the requested variance has minimal implication on Metrolinx property (i.e., Milton Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.

- The Proponent is advised the following:
  - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

#### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner