

City of Mississauga Department Comments

Date Finalized: 2024-01-04	File(s): A488.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a dwelling proposing:

1. An accessory structure within an exterior side yard whereas By-law 0225-2007, as amended, does not permit an accessory structure within an exterior side yard in this instance;
2. A setback of eaves to an interior lot line for a dwelling of 0.17m (approx. 0.56ft) whereas By-law 0225-2007, as amended, requires a minimum setback of eaves to an interior lot line for a dwelling of 0.75m (approx. 2.46ft) in this instance;
3. A setback for a porch to an exterior side yard of 3.42m (approx. 11.22ft) whereas By-law 0225-2007, as amended, requires a minimum setback for a porch to an exterior side yard of 4.50m (approx. 14.76ft) in this instance;
4. A setback of eaves for a porch to an exterior side yard of 2.81m (approx. 9.22ft) whereas By-law 0225-2007, as amended, requires a minimum setback of eaves for a porch to an exterior side yard of 4.05m (approx. 13.29ft) in this instance;
5. An interior side yard setback for a dwelling of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback for a dwelling of 1.20m (approx. 3.94ft) in this instance;
6. An exterior side yard setback for a dwelling of 3.42m (approx. 11.22ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback for a dwelling of 6.00m (approx. 19.86ft) in this instance;
7. A setback of eaves to an exterior lot line for a dwelling of 2.81m (approx. 9.22ft) whereas By-law 0225-2007, as amended, requires a minimum setback of eaves to an exterior lot line for a dwelling of 5.55m (approx. 18.21ft) in this instance;
8. A combined occupied area for all accessory buildings and structures of 53.80sq m (approx. 579.10sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory buildings and structures of 30.00sq m (approx. 322.92sq ft) in this instance; and,

9. A height for an accessory structure measured from the foundation of 3.60m (approx. 11.81ft) whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure measured from the Established Grade of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 7010 Gooderham Estate Blvd

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

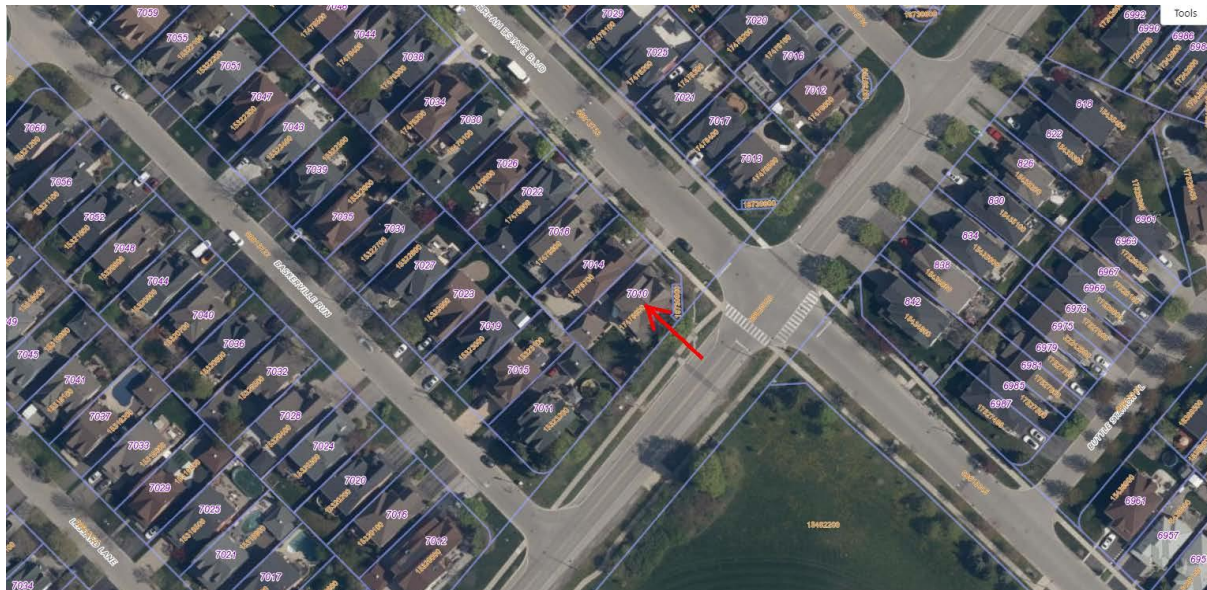
Zoning: R10-4- Residential

Other Applications: BP 23-6900

Site and Area Context

The subject property is located on the north-east corner of Old Derry Road and Gooderham Estate Boulevard in the Meadowvale Village Neighbourhood. It is a corner lot containing a two-storey detached dwelling with a detached garage. Mature vegetative elements are present in the front, rear and exterior side yards on the subject property. The property has an approximate frontage of +/- 13.76m (45.14ft) and a lot area of +/- 636.60 m² (6,852.30ft²). The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots. Additionally, the Gooderham Estate Park is located to the south of the subject property.

The applicant is legalizing an addition, accessory structure and covered porch requiring variances for the location, area and height of the accessory structure(s) and side 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 Meadowvale Village 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 satisfied the development is compatible with the existing site conditions. 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?

Staff note the accessory structure referenced in the proposed variances is a storage structure that is located underneath the covered porch and above the enclosed below grade stairwell. In addition, the dwelling setback variances are for the enclosed below grade stairwell in the exterior side yard. Zoning staff have confirmed the enclosed staircase forms part of the dwelling while the storage space above the stairs is considered access structure.

Variances 1 and 9 pertain to the location of the accessory structure in the exterior side yard as well as a request for an increase in accessory structure height. The intent of the by-law regulations for accessory structures located in the exterior side yard is to ensure an adequate buffer exists between a structure's massing and the public realm. Staff note the proposed structure is located beneath the covered porch and the location of the accessory structure is hidden, mitigating any potential massing concerns. Furthermore, the existing vegetation located along the front yard and exterior side yard boundary fence provides additional screening to mitigate any potential impact. 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. Staff are satisfied that the height represents a small deviation from what is currently permitted as of right in the zoning by-law and does not pose any massing concerns, as the location of the accessory structure is hidden underneath the covered porch.

Variances 2 and 5 request a reduction to the interior side yard setback to the eaves and dwelling. The application includes an enclosed below grade stairwell, which zoning staff have confirmed is an addition to the existing dwelling, thus requiring a variance. Additionally, the City owns a portion of land on the subject property's front yard due to the neighbourhood sign located there. The parcel of land containing the neighbourhood sign is facilitating the interior side lot line setback variance, although the subject property is a corner lot. The intent of the side yard setback regulation is to ensure an adequate buffer between structures on abutting properties, appropriate drainage can be maintained and unencumbered access to the rear yard is provided. Staff are satisfied there is an adequate buffer between the City owned land and the subject property to maintain the neighbourhood sign. Further, Transportation and Work's staff has provided no drainage concerns.

Variances 3, 4, 6 and 7 request a reduction to the exterior side yard setback to the dwelling, covered porch and eaves. The general intent of this portion of the by-law is to ensure an adequate buffer exists between a structure's massing and the public realm. Staff note the existing addition and covered porch are one-storey in height and are satisfied that the addition is appropriately located behind a privacy fence on a corner lot. The existing fence and vegetation along the exterior lot line provides adequate screening to prevent any detrimental impacts to the streetscape and neighbouring properties. Additionally, staff note the proposed setbacks do not hinder access to the rear yard, as it remains unencumbered. Transportation and Works staff note no drainage concerns.

Variance 8 pertains to the floor area of the existing accessory structures on the subject property. The intent of the by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling, and clearly accessory while not presenting any massing concerns to the neighbouring lots. Staff note the largest structure located in the north-west corner of the subject property appears to take the form of a detached garage, as there is no attached garage on the subject property. Staff note the plans provided depict the detached garage as an existing storage shed. Detached garages located in the rear yard is a consistent land use feature with many other dwellings in the neighbourhood. Staff note no additional variances for setbacks have been requested for any of the accessory structures. While planning staff are not in a position to interpret the zoning by-law, staff note the accessory structure variance may not be required, as the existing detached garage is not subject to the accessory structure regulations.

Given the above, staff are of the opinion that the proposal 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 proposed variances, both individually and cumulatively, 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

Enclosed are a number of photos, which depict the large accessory structure constructed. As the subject property is a corner lot and the structure has been constructed in an area, which will not impact the existing drainage pattern for any of the adjacent properties, we have no drainage related comments.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-6900. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

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