

City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): A33.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a pool equipment shed proposing:

1. A side yard setback of 0.24m (approx. 0.78ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.93ft) in this instance; and,
2. A side yard setback of 0.48m (approx. 1.57ft) for the pool equipment whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61m (approx. 2.00ft) for the pool equipment in this instance.

Background

Property Address: 350 Indian Valley Trail

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

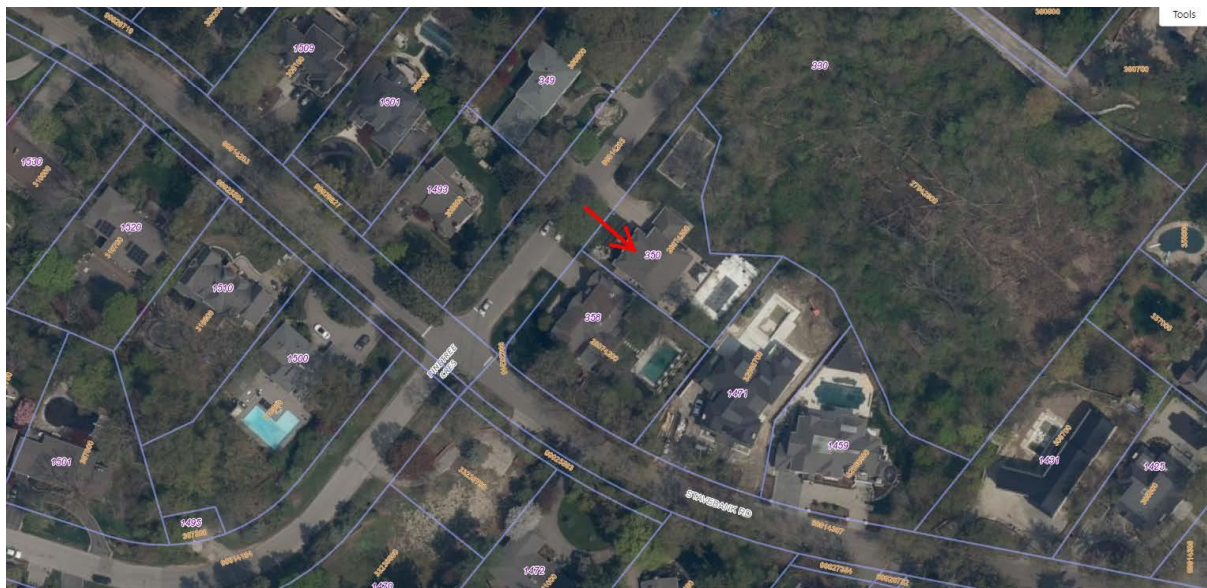
Zoning: R1-2- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of the Hurontario Street and Indian Valley Trail intersection. The immediate neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with significant mature vegetation in the front yard. The subject property contains a two-storey detached dwelling with little vegetation in the front yard.

The applicant is proposing a shed requiring variances related to 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 are as follows:

Staff note this application was before the Committee of Adjustment on January 25, 2024 proposing a variance for side yard setback to an accessory structure's eaves. The application was deferred to allow the applicant an opportunity to identify missing variances.

The proposed accessory structure (shed) contains pool equipment. Staff note the applicant has redesigned the proposed structure eliminating the need for a setback variance to the structure's eaves.

Variance #1 is required to accommodate a reduced side yard setback to the structure and Variance #2 is required to accommodate a reduced side yard setback measured to the pool equipment. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the abutting properties. Staff are satisfied that the structure is proportional to the lot and that its mass is subordinate to the main mass of the principal dwelling. The requested setbacks ensure sufficient space is provided for maintenance purposes. The structure does not require variances for height, lot coverage and floor area and staff are satisfied the shed is appropriately sized for the lot. Staff have no massing concerns with the proposed equipment.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed by our Development Construction Section through the future Building Permit process.

Comments Prepared by: John Salvino, 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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not Yet Named (P-510) *(Between Indian Valley Trail and Kenolie Ave, East of Stavebank Rd), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned R1-2. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- a) Ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner