

# City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A176.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 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 requested, meets the requirements of Section 45(1) of the Planning Act. 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 the construction of accessory structures proposing:

1. 2 accessory structures whereas By-law 0225-2007, as amended, permits a maximum of 1 accessory structure in this instance;
2. An accessory structure (outdoor living) area of 43.75sq m (approx. 470.92sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. An accessory structure (pool cabana) area of 28.79sq m (approx. 309.89sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
4. A combined area for all accessory structures of 72.54sq m (approx. 780.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum area for all accessory structures of 60.00sq m (approx. 645.84sq ft) in this instance;
5. A height for the outdoor living structure of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
6. A side yard setback to the pool cabana of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance; and,
7. A combined side yard setback of 2.80m (approx. 9.19ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.23m (approx. 27.00ft) in this instance.

## Background

**Property Address:** 117 Indian Valley Trail

### Mississauga Official Plan

**Character Area:** Mineola Neighbourhood  
**Designation:** Residential Low Density I

### Zoning By-law 0225-2007

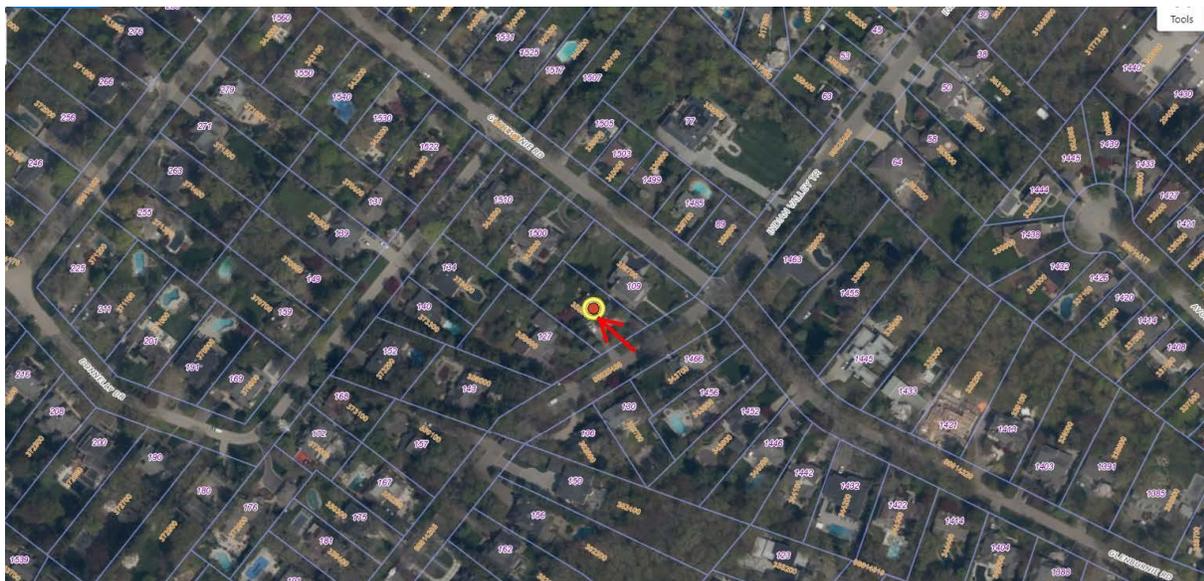
**Zoning:** R2-4- Residential

**Other Applications:** NONE

### Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, west of the Hurontario Street and Pinewood Trail intersection. The immediate neighbourhood primarily consists of one and two-storey detached dwellings on large lots with significant mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to accessory structures.



## 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:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached and duplex dwellings. 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 respects the designated and surrounding land uses. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and that it will not negatively impact the streetscape. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

The requested variances are required to facilitate the development of two accessory structures. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots.

The proposed structures are clearly accessory and proportional to the lot and dwelling, as the existing detached dwelling's footprint covers approximately 3 times the amount of area as the proposed structure and the proposed structures represent only 4.62% of the total lot area. As such, Planning staff have no concerns regarding the proposed accessory structure area variances.

Planning staff are also of the opinion that the proposed structures will not pose massing concerns. The proposed structures are located in the rear yard and the existing dwelling and mature vegetation screen these structures from the street.

Only one setback variance is required for the proposed "pool cabana". Staff note that this setback is to only one point of the structure(a pinch point). Staff are also of the opinion that this variance represents a minor reduction and note that no height variance is required, which can have the effect of exacerbating its massing.

The proposed "outdoor living area" structure is primarily an open structure that does not require variances for setbacks. A height variance is required; however, staff note a 0.33m height discrepancy between finished grade and established grade. Therefore, the values of the variances would appear 0.33m lower in person. Also, the variance is also only required to accommodate a small architectural feature wall. The majority of the structure measures 4.2m

(13.78ft) from established grade (3.87m/12.7ft from finished grade) representing a minor increase in height.

As such, the proposed structure is clearly accessory, proportional to the lot and dwelling, and creates no massing concerns. Planning staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are of the opinion that the accessory structure represents appropriate development of the subject property. It is appropriately located on the site and appropriately sized for the lot. Staff are satisfied that the proposal is compatible with the existing scale and character of the surrounding community. The variance is minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## 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 structure 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 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner