

City of Mississauga Department Comments

Date Finalized: 2024-08-15	File(s): A107.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 3:30:00 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 deck attached to the house proposing

1. A lot coverage of 41.89% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
2. An accessory structure area of 13.68sq m (approx. 147.25sq 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.

Background

Property Address: 3467 Oakglade Cres

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

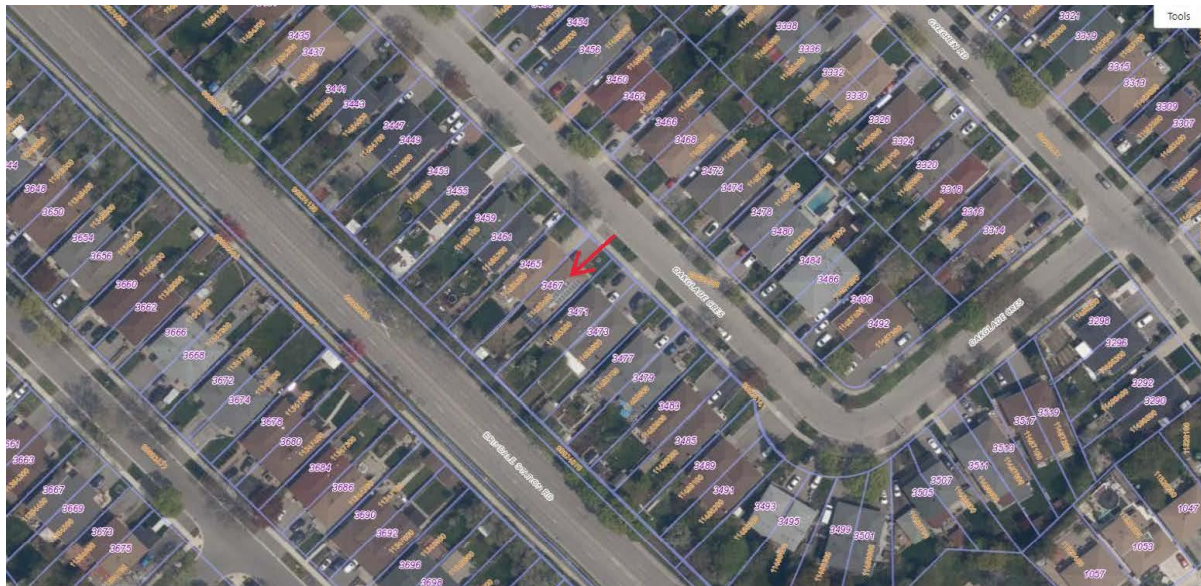
Zoning: RM1- Residential

Other Applications: BP 23-7239

Site and Area Context

The subject property is located north-east of the Dundas Street West and Erindale Station intersection in the Erindale Neighbourhood Character Area. It currently contains a semi-detached dwelling and has a lot area of +/- 417.75m² (4,496.62ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is exclusively residential, consisting of detached and semi-detached dwellings on varied lot sizes.

The applicant is proposing to legalize a deck and multiple sheds in the rear yard requiring a variance for lot coverage 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:

Staff note that the application was before the Committee of Adjustment on May 30th, 2024, for a variance pertaining to a lot coverage of 37.27%, which was supported by staff. The applicant deferred the application to accurately calculate the lot coverage, as the Committee of Adjustment members noticed an existing second shed and arbor were not depicted on the site plan submitted. By including these additional structures into the lot coverage, the lot coverage increase to 41.89% from the original 37.27%.

The subject property is located in the Erindale Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. The 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.

Variance 1 pertains to an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that will impact the streetscape as well as abutting properties. Staff note that the proposed lot coverage is generally in line with other dwellings in the surrounding area. The dwelling itself represents 27.8% of the total lot coverage, which is well within the permissible 35%. Additionally, the porch (1.56%), concrete landing (0.88%) and deck (5.02%) contribute to an additional 7.46%. Both the sheds and arbor increase the lot coverage by 6.63%, bringing the total lot coverage to 41.89%. Staff are satisfied that the increase in lot coverage does not represent overdevelopment of the lot. Furthermore, the proposed coverage represents an appropriate balance between the existing and planned character of the area in this instance.

Variance 2 pertains to an increase in accessory structure area. The intent of the zoning by-law regulations 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 neighbouring lots. Staff note while the individual proposed accessory structure area exceeds the by-law regulations, the total combined area of the three accessory structures that are is well within the maximum permissible combined area of 30m² (322.91ft²) that is permitted on lots of this size. Staff are of the opinion that the proposed structure is clearly proportional and accessory to the lot and primary dwelling.

Staff are satisfied that the proposed variances meet the general intent and purpose of both the official plan and zoning by-law. Furthermore, staff note the proposal is minor in nature and represents appropriate development of the subject property.

While Planning staff are not in a position to interpret the zoning by-law, Zoning staff have indicated an additional variance for height may be required for Shed 2, as indicated on the applicant's site plan. Planning staff contacted the applicant and they have confirmed Shed 2 is below 3m (9.84ft) from established grade, thus not requiring an additional height variance.

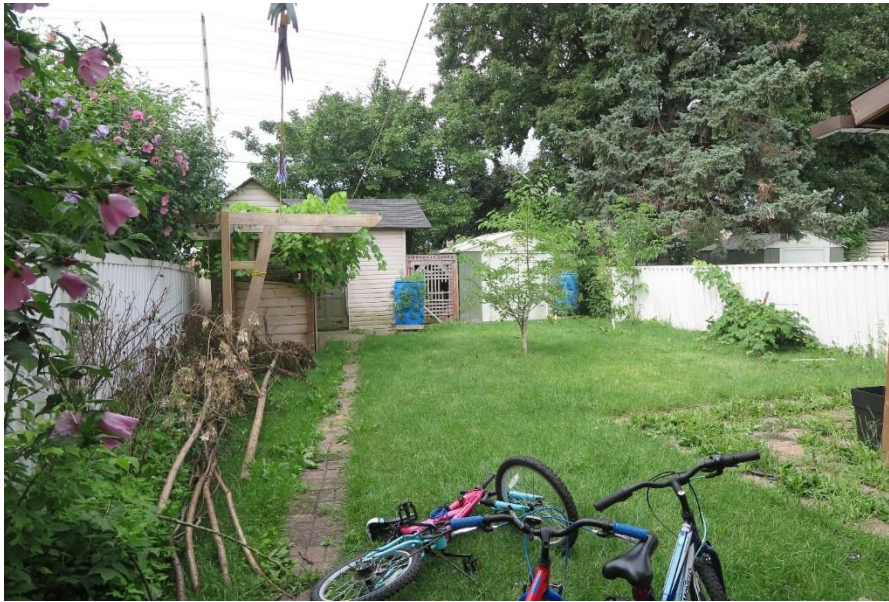
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the existing deck as it does not impact or alter the existing grading and drainage pattern.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 23-7293. Based on review of the information currently available for this building permit, the variance, as requested are correct.

Furthermore, based on review of the information currently available for this application, we advise that more information may be required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required:

It appears a second shed and an "arbor" is shown on site plan. The scope of work and review for the subject application is the proposed rear deck. The aforementioned accessory structure are subject to accessory structure regulations found in Table 4.1.2.2 in Mississauga Zoning By-law 0225-2007, as amended. For instance:

- Maximum area occupied per accessory structure is 10sqm; whereas. 13.68sqm proposed;
- Maximum height per accessory structure is 3m; whereas, the accessory structure shown may be more than 3m.

The applicant may seek to legalize the accessory structure (e.g. minor variance through committee of adjustment.)

NOTE: Accessory structure may be require building permit.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process,

these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: RAMSEN HEDOO

Appendix 3 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 3467 Oakglade Cres to allow a deck attached to the house proposing:

- A lot coverage of 41.89% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.
- An accessory structure area of 13.68sq m (approx. 147.25sq 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.

As circulated on July 18th, 2024, and to be heard at Public Hearing on August 15, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is within 300 metres of the Canadian Pacific (CP) Galt Subdivision which carries Metrolinx's Milton GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of 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.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Projects Review

Appendix 4 – Region of Peel

Please apply our previous comments.

Comments Prepared by: Petrele Francois, Junior Planner