

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-25 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A390/20 Ward: 1
	Meeting date: 2020-12-03

Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Application Details

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

1. An interior side yard measured to a shed of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a shed of 1.20m (approx. 3.94ft) in this instance;
2. A height of an accessory structure (play structure) of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance; and
3. An area of an accessory structure (play structure) of 10.66sq.m (approx. 114.74sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of an accessory structure of 5.50sq.m (approx. 59.20sq.ft) in this instance.

Recommended Conditions and Terms

Should Committee see merit in the applicant's request, we request that both structures be equipped with an eaves trough on the rear side of the structures and a down spout directed internally in such a manner as to not impact the adjacent lots.

Background

Property Address: 16 Oakwood Avenue South

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R15-8 (Residential)

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, more specifically, the Hiawatha neighbourhood, southeast of Hurontario Street and Lakeshore Road East. The neighbourhood consists of commercial uses that front onto Lakeshore Road East with one and two storey detached dwellings south of Lakeshore Road East. The subject property contains an existing one storey dwelling with mature vegetation in the front and rear yard.

The applicant proposes to permit the existing accessory and play structures, requiring variances related to deficient side yard width, increased height and occupied 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which 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 proposed accessory and play structures are located on the northerly side of the property where the existing vegetation, screens the structures from view of the abutting property. The structures are compatible with the surrounding area and do not pose significant massing impacts to the abutting property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The intent of the zoning by-law is to ensure that structures are proportional to the lot and dwelling and are clearly accessory to the principle use while not presenting any massing concerns to neighbouring lots. It should be noted that the zoning by-law allows for three accessory structures with maximum area of 20 m² for each structure and a maximum height of 3.50 m. The regulations for a play structure are different in that a total occupied area of 5 m² and height of 3 m is permitted. Regarding the accessory structure, the deficient side yard is measured to a shed which has an occupied area of 10.67 m² and a height of 2.67 m whereas a maximum area of 20 m² and height of 3.50 m is permitted. This limits the overall size of the shed and reduces the impact of the deficient side yard and impact on the abutting property. Furthermore, the existing mature vegetation screens the play and accessory structures from the neighbouring property. Finally, the proposed variances for the play structures do not pose significant adverse impacts regarding massing to the neighbouring property from what the by-law permits. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed structures do not pose unacceptable adverse impacts to the neighbouring property due to the combination of the vegetation around the structures, sloped roof design and limited size of the structures. If the play structure was defined as an accessory structure, a variance for area would not be required and only a height variance for a difference of 0.50 m would be required. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing structures. Should Committee see merit in the applicant's request, we request that both structures be equipped with an eaves trough on the rear side of the structures and a down spout directed internally in such a manner as to not impact the adjacent lots.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 3rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-328/20

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Minor Variance Applications: A-351/20, A-359/20, A-376/20, A-383/20, A-390/20, A-392/20, A-397/20

Comments Prepared by: Diana Guida, Junior Planner