

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A50.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 a pergola on subject property, proposing:

1. A lot coverage of 30.05% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. An occupied area of an accessory structure of 15.04m (approx. 49.34ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of an accessory structure of 10.00m (approx. 32.81ft) in this instance; and
3. A height of an accessory structure of 3.59m (approx. 11.78ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance.

## Amendments

Based on review of the information currently available for this building permit, The Building Department notes that the following variance should be amended to the following;

- A lot coverage of 30.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;

## Background

**Property Address:** 6808 Loganberry Court

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

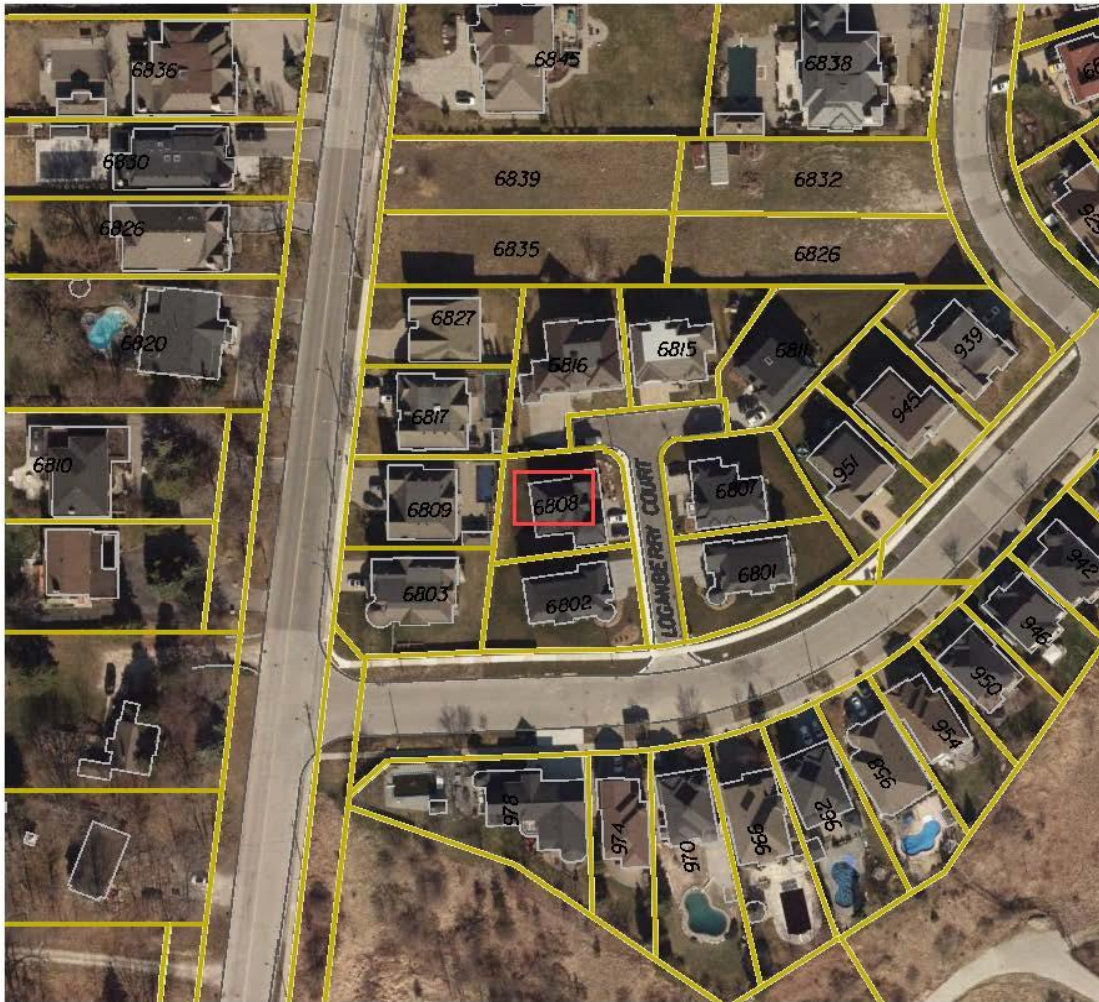
**Zoning: R16-7 - Residential**

**Other Applications: Building Permit: 20-3019**

**Site and Area Context**

The subject property is located within the Meadowvale Village Neighbourhood Character Area, south-west of the Old Derry Rd and Mavis Rd intersection. The subject property is an interior parcel, with a lot area of +/- 675.82m<sup>2</sup> and a lot frontage of +/- 30.34m. The property consists of a two-storey detached dwelling with minimal vegetation and landscape elements in the front and rear yard. The surrounding neighbourhood comprises exclusively of detached dwellings with lot frontages of +/-20.00m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant has proposed an enclosed accessory structure requesting variances for lot coverage, occupied space and height.



## 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 structure is located in the rear of the property, separated from the public realm. The structure is compatible with the surrounding area and does not pose any significant impact to the abutting properties. 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?**

Variance #1 as requested pertains to lot coverage:

The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the increased lot coverage is due to the enclosed accessory structure. The Building Department is currently processing a building permit application under file BP 9NEW 20-3019 and advises that the following variances should be amended to the following:

- A lot coverage of 30.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;

Planning Staff are of the opinion that the 0.5% increase in lot coverage over the maximum permitted lot coverage stated in the by-law is negligible and does not pose a significant impact to the intended lot coverage of this property. Staff find the massing is well distributed across the property and does not contribute to an over development of the site. As such, variance #1 maintains the general intent and purpose of the by-law.

Variance #2 and #3 pertain to the accessory structure:

The intent of the zoning by-law is to ensure that accessory structures are proportional to the lot and dwelling, thereby remaining secondary to the principle use while not presenting any massing concerns. Accessory structures contributes massing to the entirety of the property and should not over burden the primary structure. The proposed accessory structure is a single storey, stand alone structure that is located in the rear yard and maintains all required setbacks. While the structure is enclosed on all sides, the proposed height of 3.59 whereas 3.00m is

permitted will not greatly impeded upon the neighbouring properties. Other structures similar to the proposed are present throughout the surrounding area; and as a result will not create a significant massing impact. Staff is of the opinion that variance #2 and #3 are minor in nature and raise no concerns of a planning nature.

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

Staff is of the opinion that proposed accessory structure will not have any significant impacts on the neighbouring properties and is consistent with the surrounding neighbourhood. As such, the variances requested are minor in nature and result in the orderly development of the lands. The application raises no concerns of a planning nature.

## **Conclusion**

The City has no objection to the variances, as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Should Committee see merit in the request we would request that the existing/approved drainage pattern in the area of the accessory structure be maintained.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9NEW 20-3019. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

A lot coverage of 30.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;

Our comments are based on the plans received by Zoning staff on 09/02/2020 for the above captioned building permit application. 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: A. McCormack

**Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 25th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-290/20, DEF-A-354/20, DEF-A-377/20.

Minor Variance Applications: A-46/21, A-47/21, A-49/21, A-50/21, A-52/21, A-53/21, A-61/21.

Comments Prepared by: Diana Guida, Junior Planner