

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A66.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

### Consolidated Recommendation

The City recommends that this application be refused. 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 height of an accessory structure (shed/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.

### Amendments

The 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. A cursory review of the application revealed the following additional variance may be required:

A deck projecting from an accessory structure; whereas By-law 0225-2007, as amended, does not permit decks and/or balconies on top, above or projecting from any part of an accessory building or structure.

### Background

**Property Address:** 87 Vista Drive

### Mississauga Official Plan

Character Area: Streetsville Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007****Zoning: R2-50 - Residential****Other Applications: None****Site and Area Context**

The property is located north-east of the Erin Mills Parkway and Vista Boulevard intersection and currently houses a semi-detached dwelling with minimal vegetation and landscape elements in the front and rear yards. The subject property is an interior parcel, with a lot area of approximately +/-613.00m<sup>2</sup> and a lot frontage of approximately +/- 16.76m. Contextually, the surrounding neighbourhood consists exclusively of detached dwellings. The properties within the immediate area possess lot frontages of +/- 17.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing an accessory structure that requires a variance for 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 site is located within the Streetsville Neighbourhood Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings 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 and can be seen from the street. The structure is not compatible with the surrounding area and imposes upon the abutting properties. Staff is of the opinion that the general intent and purpose of the MOP is not maintained.

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

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot, dwelling and are clearly accessory. The structure proposed is a two storey shed that poses significant massing impacts on the neighbouring properties which results in overlook and matters of privacy. This proposed structure can also be seen from the streetscape influencing the context of the surrounding area. Additionally, Section 4.1.2.3 of the zoning by-law does not permit decks and/or balconies on top, above or projecting from any part of an accessory building or structure.

Planning Staff echo the Building Department's concern regarding the absence of any formal permit applications at this time and recommend that a comprehensive zoning review be completed.

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

In the absence of a formal review, Staff is unable to determine if the variance as requested is accurate and if additional variance(s) may be required. Staff is of the opinion that the application is not minor in nature and does not represent an orderly development of the land and

recommend that the application be refused. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## **Conclusion**

The City recommends that this application be refused. 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

Enclosed for Committees easy reference are photos depicting the existing accessory structure (shed/play structure). We also note that we have no drainage related concerns with the structure.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The 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. A cursory review of the application revealed the following additional variance may be required:

A deck projecting from an accessory structure; whereas By-law 0225-2007, as amended, does not permit decks and/or balconies on top, above or projecting from any part of an accessory building or structure.

Notwithstanding the above, based on information provided with this application, we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Examiner

**Appendix 5 – Region of Peel Comments**

We have no comments or objections to the following applications:

Minor Variance Applications: A-30/21, A-54/21, A-56/21, A-57/21, A-59/21, A-60/21, A-62/21, A-64/21, A-66/21.

Comments Prepared by: Diana Guida, Junior Planner