

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): A129.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-22 1:00 PM

### Consolidated Recommendation

The City has no objection to the variance, as requested.

### Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a gazebo proposing a height of an accessory structure of 4.34m (approx. 14.24ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.50m (approx. 11.48ft) in this instance.

### Background

**Property Address:** 1350 Hickory Drive

#### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

**Zoning:** R3 - Residential

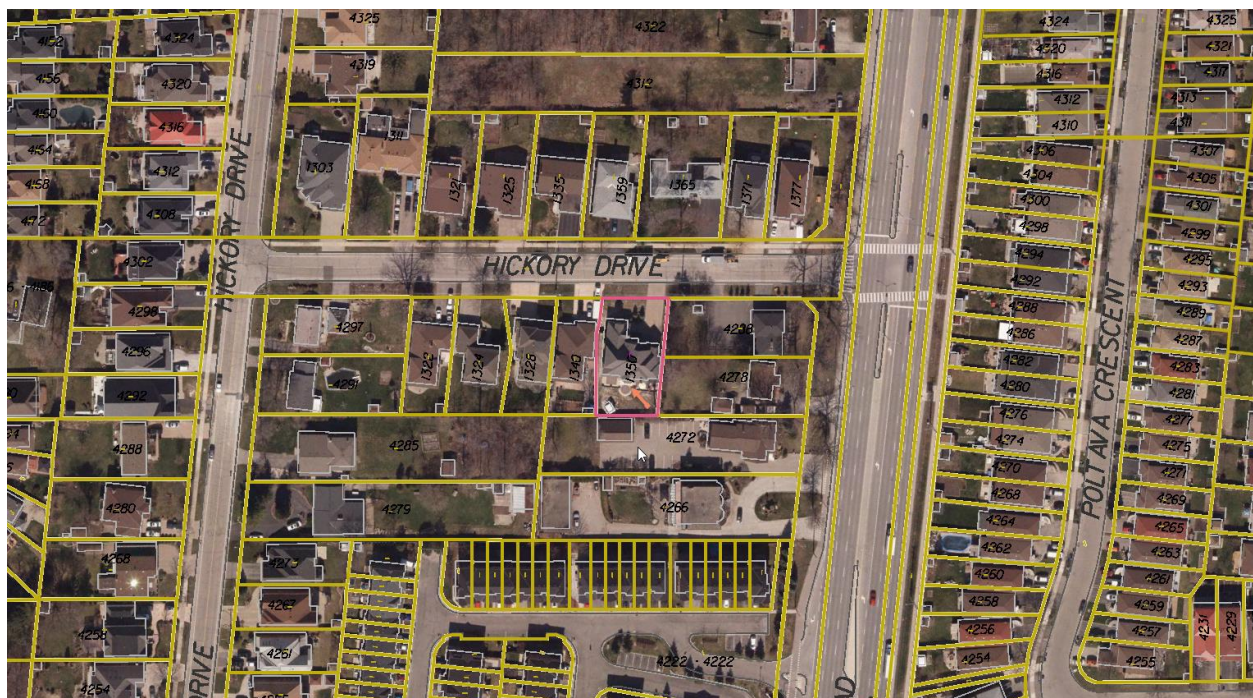
**Other Applications:** BP 08-1088

#### Site and Area Context

The property is located south-west of the Eastgate Parkway and Dixie Road intersection and

currently houses a two-storey 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 +/- 907.18m<sup>2</sup> and a lot frontage of approximately +/- 22.55m. Contextually, the surrounding neighbourhood consists exclusively of detached dwellings. The properties within the immediate area possess lot frontages of +/- 20.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing an gazebo 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 Rathwood 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. Staff is of the opinion that the general intent and purpose of the MOP 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 accessory structures are proportional to the lot and dwelling, thereby remaining secondary to the principle use while not presenting any massing concerns. The proposed accessory structure is a stand alone pergola with a proposed height of 4.34m whereas 3.50m is permitted. The proposed pergola consists of parallel colonnades supporting the open roof girders and cross rafters. Since the structure is open on all sides, located at the rear of the property and cannot be seen from the street, it will not have any significant impact on the neighbouring properties. Staff is of the opinion that the variance is minor in nature and raises 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 impacts on the neighbouring properties and is consistent with the surrounding neighbourhood. As such, the variance, as requested is minor in nature and results in the orderly development of the lands.

## **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

This department would have no objections to the applicant's request provided that the existing drainage pattern in the area of the proposed 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 under file BP 9NEW 20-4404. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Alana Zheng, Zoning Examiner

### **Appendix 5 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner