

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-06-09	File(s): A389.20 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-17 1:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The Applicant requests the Committee to approve a minor variance to allow a treehouse, proposing a building height of an accessory structure of 5.70m (approx. 18.70ft); whereas, By-law 0225-2007, as amended, permits a maximum building height of an accessory structure of 3.00m (approx. 9.84ft), in this instance.

## Background

**Property Address: 3680 Glencolin Court**

### Mississauga Official Plan

Character Area: Erindale NHD  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning: RM1 - Residential**

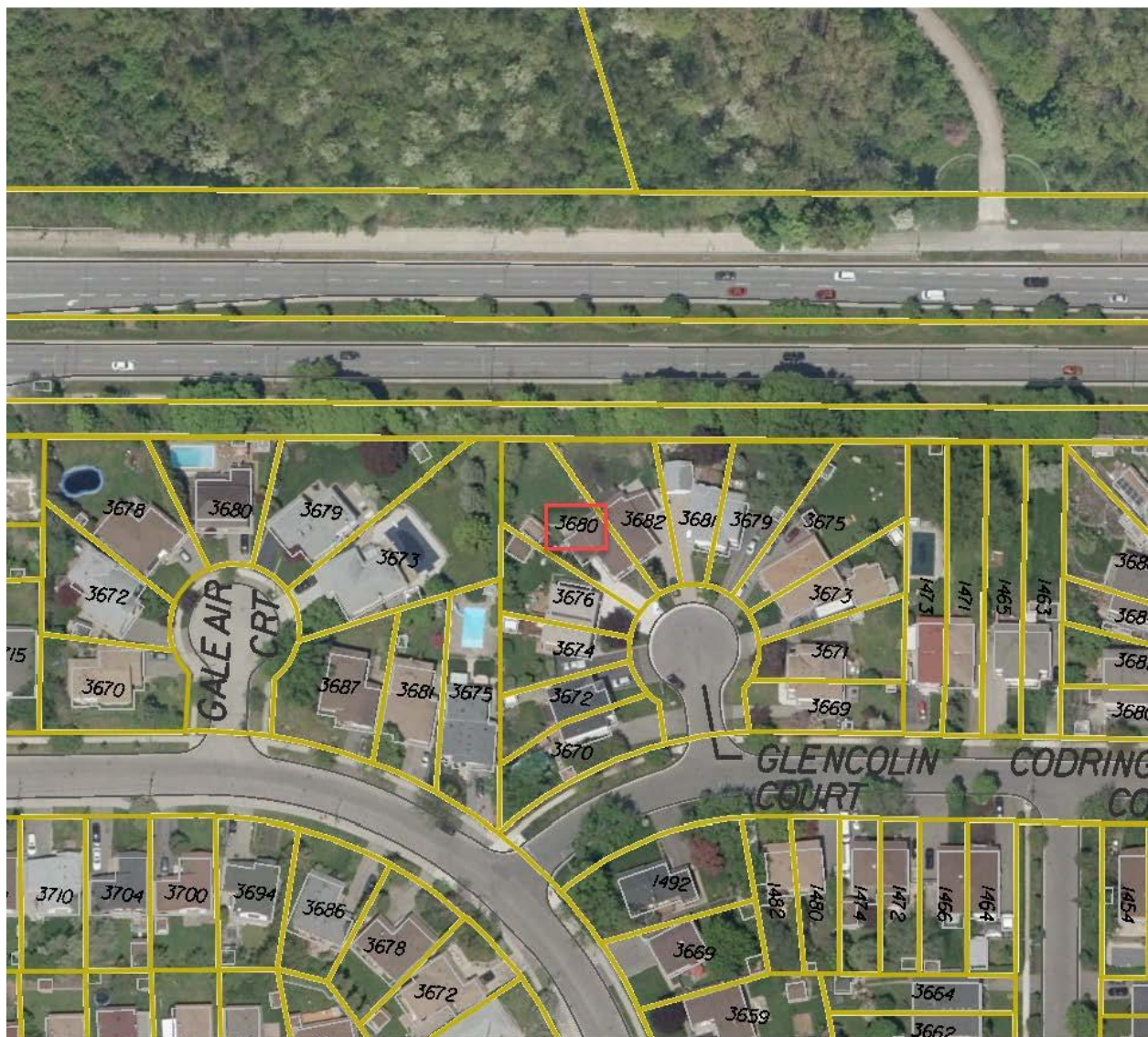
**Other Applications: None**

### Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road West and Erindale Station Road intersection and currently houses a two-storey, semi-detached dwelling with mature vegetation and landscape elements in the front and rear yards. The subject property is an interior

parcel, with a lot area of approximately +/-681.35m<sup>2</sup> and a lot frontage of approximately +/- 9.4m. Contextually, the surrounding neighbourhood consists exclusively of detached and semi-detached dwellings. The properties within the immediate area possess lot frontages of +/- 9.3m, with mature vegetative / natural landscaped elements within the front yards.

The applicant is proposing a treehouse structure in the rear yard requiring a variance for the accessory structure 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 this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is situated within the Erindale Neighbourhood Character Area, which is designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex 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 structure is permitted within this designation; 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 applicant is requesting relief to permit the existing treehouse, proposing an accessory structure height of 5.70m; whereas, a maximum height of 3.0m is permitted. This variance was previously brought to the November 26, 2020 committee hearing and was deferred for redesign. The applicant has not revised their original proposal or contacted staff to work on a revised design. The general intent of the Zoning By-law in regulating the height of an accessory structure is to both reduce the visual impact from a massing perspective that occurs as a results of such construction; as well as to ensure that each accessory structure remains clearly subordinate to the primary dwelling.

Planning Staff note, the solid board-on-board design, coupled with the minimal integration of the adjacent tree, results in significant and observable massing within the rear yard. Further, the treehouse design elevates the structure resulting in the majority of the structure being visibly exposed. This creates a discernable overlook / privacy concerns – especially when viewed in relation to the requested relief, which seeks to substantially increase the permitted height of this structure. Planning Staff would further note, the requested relief (5.7m) permits a maximum accessory building height that is more in line with a two-storey dwelling than with an accessory structure. The variance, as amended, does not meet the purpose or general intent of the Zoning By-law

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

Staff find the proposed height of the accessory structure creates a significant observable massing in the rear yard that results in a discernable overlook/privacy concerns. This is an undesirable development of the land, and one whose effects are not minor in nature.

## Conclusion

Based on the preceding, Planning Staff cannot support the proposal, as submitted. The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Connor DiPietro, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

We note from our site inspection that we observed no grading and drainage related issues with the existing treehouse.

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. 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: Daniel Grdasic, Planning Associate

### Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner