

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A288.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a gazebo on the subject property proposing:

1. An occupied area of 23.44sq.m (approx. 252.31sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
2. A height of 4.32m (approx. 14.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance.

Amendments

After working with the applicant to revise the proposal, Planning staff recommend that variance number 2 be amended as follows:

2. A height of 4.00m whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m in this instance.

Background

Property Address: 316 Pathfinder Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

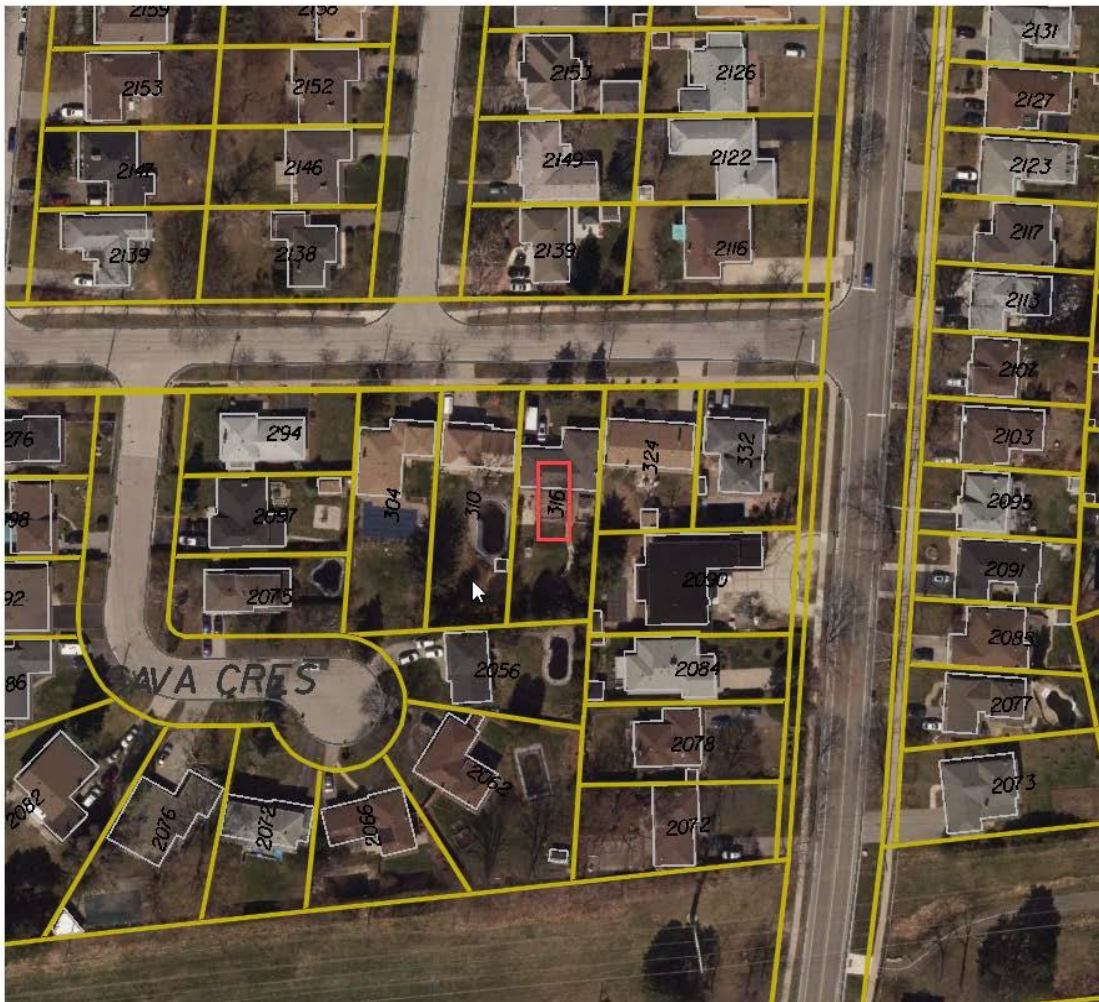
Zoning: R3 - Residential

Other Applications: BP 9NEW 21-6374

Site and Area Context

The subject property is located north-east of the North Service Road and Cliff Road intersection in the Cooksville Neighbourhood Character Area. It contains a single storey detached dwelling with an attached garage on a lot with a frontage of +/-18.29m and a lot area of +/-978.43m². Single storey and two storey detached dwellings are the prominent built form in the area, however townhomes and apartment buildings are present closer to North Service Road. The subject property is one of the larger lots in the surrounding area.

The applicant is proposing a gazebo in the rear yard requiring variances for floor area 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 located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the 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. Accessory structures in rear yards are fairly common in this area and staff are of the opinion that a request for additional floor area and height is compatible with the existing site conditions due to the lot's size. Staff are 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?

All of the requested variances relate to accessory structures on the subject property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing or overlook concerns to neighbouring lots.

Variance #1 relates to the floor area of the proposed accessory structure. The proposed increase in size is modest, representing approximately 2.4% of the total lot area. This is well under the 5% lot coverage limit for accessory structures on properties of this size and no variances are requested for setbacks. Staff are satisfied that the floor area of the structure is proportional to the lot and that the general intent and purpose of the zoning by-law is maintained in this instance.

Variance #2 relates to the height of the proposed accessory structure. Staff have worked with the applicant and understand that the applicant has revised their drawings to represent an amended height of 4.0m in order to reduce the impact of the structure on the abutting property. Furthermore the height is measured to the peak of a sloped roof and the structure has no walls, reducing the impact that the additional height would have had if the proposal had been a flat roofed structure with walls. Staff are of the opinion that the revised height variance meets the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the increased size and height of the accessory structure are appropriate development given the size of the subject property. Additionally staff are satisfied that any potential impacts on abutting properties and the request itself are minor in nature.

Conclusion

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee easy reference are photos which depict the area where the gazebo is being proposed. From our site inspection of this property we do not foresee any drainage related concerns with the location of the gazebo as any drainage from this area would be directed towards the rear yard.





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 21-6374. 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: Brandon Eidner, Zoning Examiner