

# City of Mississauga Department Comments

Date Finalized: 2021-09-15	File(s): A381.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-23 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A lot coverage of 47.52% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance; and
2. An accessory structure area of 17.24sq.m (approx. 185.57sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq.m (107.64sq.ft) in this instance.

## Background

**Property Address:** 3963 Berryman Trail

### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4 - Residential

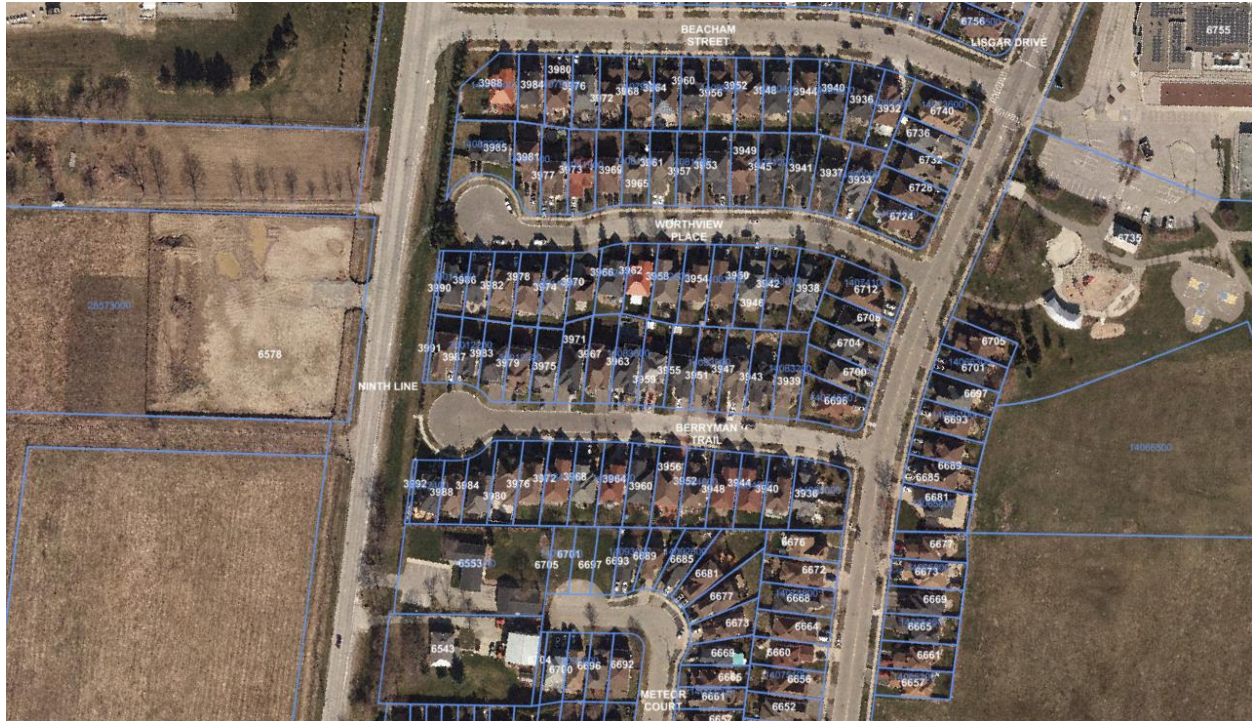
**Other Applications:** BP 9NEW 21-6467

### Site and Area Context

The subject property is located south-east of the Ninth Line and Beacham Street intersection in the Lisgar Neighbourhood. It contains a detached dwelling with an attached garage and limited

landscaping elements in both the front and rear yards. The lot frontage is +/- 12m (39.4ft) and the lot area is +/- 470.49m<sup>2</sup> (5,064,31ft<sup>2</sup>). The surrounding context includes exclusively detached homes.

The applicant is proposing to construct a gazebo in the rear yard requiring variances for lot coverage and floor area.



## 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?**

Located in the Lisgar Neighbourhood Character Area, the subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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. Accessory structures are permitted on residential properties, the proposal provides the required setback from all lot lines and is no taller than 3m when measured from grade. Given this, staff are of the opinion that the structure is appropriately sized 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 requests an increase to the total lot coverage for the property. The intent of the lot coverage provision in the Zoning By-law is to ensure that the lot is not overdeveloped to the detriment of the streetscape and neighbouring properties. Upon review of the drawings staff note that the existing dwelling and front porch account for a lot coverage of 43.86%, which exceeds the permitted 40% on the subject property. The proposed accessory structure represents an additional lot coverage of 3.66%. Staff are satisfied that the lot coverage of 3.66% is appropriate for the accessory structure, and does not represent an overdevelopment of the lot.

Variance 2 requests an increased floor area for the accessory structure. 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 concerns to neighbouring lots. The structure's separation from the dwelling helps break up the massing on the property and the elevations show that the proposed structure is to be open with no walls on any side, reducing any potential impact on the overall massing on the subject property.

Based on the above, staff are of the opinion that the general intent and purpose of the by-law is maintained in this instance.

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

Staff is of the opinion that the proposed accessory structure will not have any significant impacts on neighbouring properties or the streetscape and represent appropriate development of the subject lands. As such, the variances are minor in nature and result in the orderly development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed accessory structure will be addressed through the Building Permit Process. We are also advising the applicant that the existing drainage pattern be maintained on the property, meaning that the existing grades around the perimeter of the side and rear yard must not be altered.







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 21-6363. 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