

City of Mississauga Department Comments

Date Finalized: 2021-11-10	File(s): A473.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. An area occupied by an accessory structure of 22.36sq.m (approx. 240.68sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied by an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
2. An area occupied combined for all accessory structures of 31.03sq.m (approx. 334.00sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied combined for all accessory structures of 30.00sq.m (approx. 322.92sq.ft) in this instance.

Background

Property Address: 2348 Nikanna Road

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2 - Residential

Other Applications: BP 9NEW 21-5972

Site and Area Context

The subject property is located north-east of the Queensway West and Rosemary Drive intersection in the Erindale neighbourhood. It currently contains a detached dwelling with limited landscaping and vegetation elements in both the front and rear yards. The property has a lot area of +/- 726.80m² (7,823.21ft²) and a lot frontage of 18.96+/- m (62.20ft). The surrounding contexts consists exclusively of detached dwellings on lots of various sizes and frontages.

The applicant is proposing a gazebo in the rear yard requiring variances for floor area and combined floor area of all accessory structures.



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 Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached 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 are satisfied that the general intent and purpose of the Official Plan is maintained as the proposed structure is appropriately situated on the lot and is appropriate given the surrounding context.

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

Both requested variances relate to the floor area of accessory structures on the property. 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, while not presenting any massing concerns to neighbouring lots. While the proposed gazebo is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding the structure reduces its massing impact. Staff note that two legally sized accessory structures placed side by side at the same location on the property may have a larger massing impact than the proposed gazebo. Furthermore no additional variances for setbacks or height have been requested. Regarding the combined floor area for the accessory structures, staff find that the requested is extremely minor in nature and that the additional floor area creates no negative impacts. The combined structures represent less than 5% of the total lot area and are clearly accessory in nature to the dwelling. Staff are satisfied that the proposal maintains 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 proposal represents appropriate development of the subject property. The requests are minor in nature and will not create any significant negative impacts on abutting properties.

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 construction of the accessory structure (gazebo) will be addressed through the Building Permit process.

From our site inspection we foresee no drainage related concerns. The rear yard of the abutting property to the north is at a significantly higher elevation (approximately 12 inches) and drainage in the general area flows freely in a southerly direction.





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 21-5972. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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