

City of Mississauga Department Comments

Date Finalized: 2021-12-15	File(s): A492.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to permit the Applicant the opportunity to redesign.

Application Details

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

1. A maximum accessory structure height of 4.17m (approx. 13.68ft) whereas By-law 0225-007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
2. An area occupied for an accessory structure of 37.35sq.m (approx. 402.03sq.ft) whereas By-law 0225-007, as amended, permits a maximum area occupied per accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance;
3. A combines area occupied for all accessory structures and buildings of 37.35sq.m (approx. 402.03sq.ft) whereas By-law 0225-007, as amended, permits a maximum combined area occupied for all accessory structures and buildings of 30.00sq.m (approx. 322.92sq.ft) in this instance; and
4. A lot coverage of 42.22% whereas By-law 0225-007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 2056 Breezy Brae Drive

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

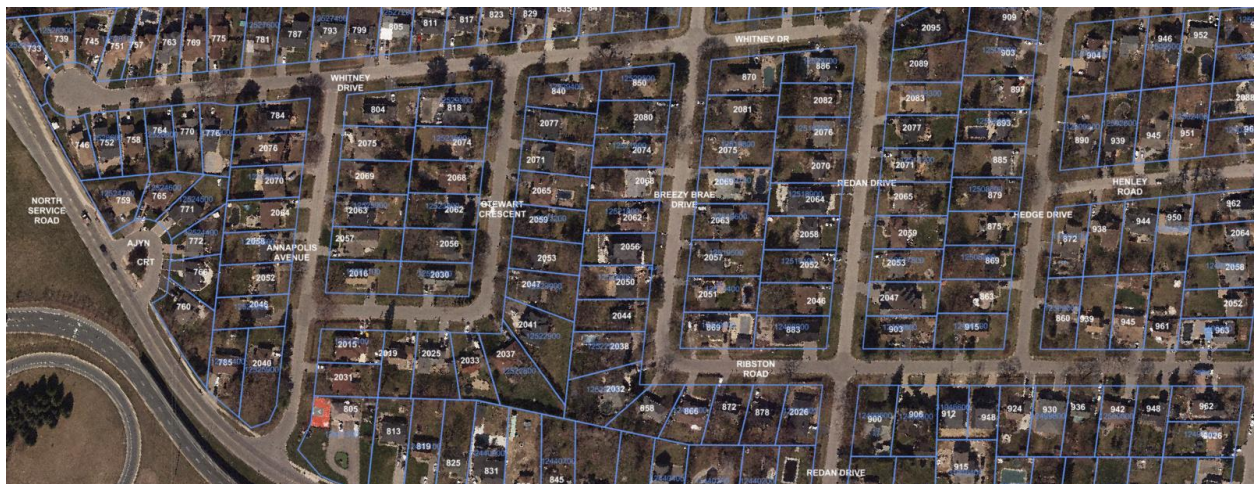
Zoning By-law 0225-2007**Zoning: R3-75 - Residential****Other Applications:**

None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and North Service Road. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing two storey detached dwelling with vegetation in the front yard.

The applicant is proposing an accessory structure (cabana) requiring variances related to lot coverage and accessory structure height and 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:

The subject property is located within the Lakeview Neighbourhood Character Area, and is designated Residential Low Density I by Mississauga Official Plan (MOP). The proposed structure is permitted within this designation.

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. Staff is concerned that the proposed structure is not proportional to the lot or dwelling and will cause significant massing concerns. The applicant's proposal for a shed having an area of 37.35m² (402.03ft²) exceeds the applicable individual and combined area requirements. Furthermore, the proposed structure spans most of the southern lot line in the rear yard. Staff is also concerned with the lot coverage variance proposed, as the accessory structure covers over 5% of the subject property. The landscape plan provided shows an inground pool, interlock patio and the proposed accessory structure in the rear yard. Staff is of the opinion that the proposed structure would be an overdevelopment of the subject property. Furthermore, the Zoning By-law permits a maximum occupied combined area of 30 m² for all accessory buildings and structures, subject to the accessory buildings/structures not going over the lot coverage. The applicant is also proposing a height of 4.17m (13.68ft) where a maximum accessory structure height of 3.00m (9.84ft) is permitted. Staff is concerned that the proposed height is excessive and that the cumulative impact of increasing the accessory structure's area and height will cause significant massing concerns to the adjacent property owner to the south, as the proposed structure is located 0.61m (2ft) away from the southern lot line.

As such, staff recommends deferral of the application to give the applicant an opportunity to redesign the proposal.

Comments Prepared by: Connor DiPietro, 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 accessory structure will be addressed through the future Building Permit Application process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pool Enclosure Permit under file POOL 21-250. 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: Daniel Grdasic, Planning Associate