

City of Mississauga Department Comments

Date Finalized: 2022-06-15	File(s): A271.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing accessory structure (pergola) within the tree preservation area whereas By-law 0225-2007, as amended, does not permit an accessory structure located in a tree preservation area in this instance.

Amendments

We advise that additional variance should be added as follow:

2. An accessory structure with an area of 32.11sq.m (approx. 345.63sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq.m (approx. 215.28sq.ft) in this instance.

Background

Property Address: 6089 Carradine Crt

Mississauga Official Plan

Character Area: East Creidt Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

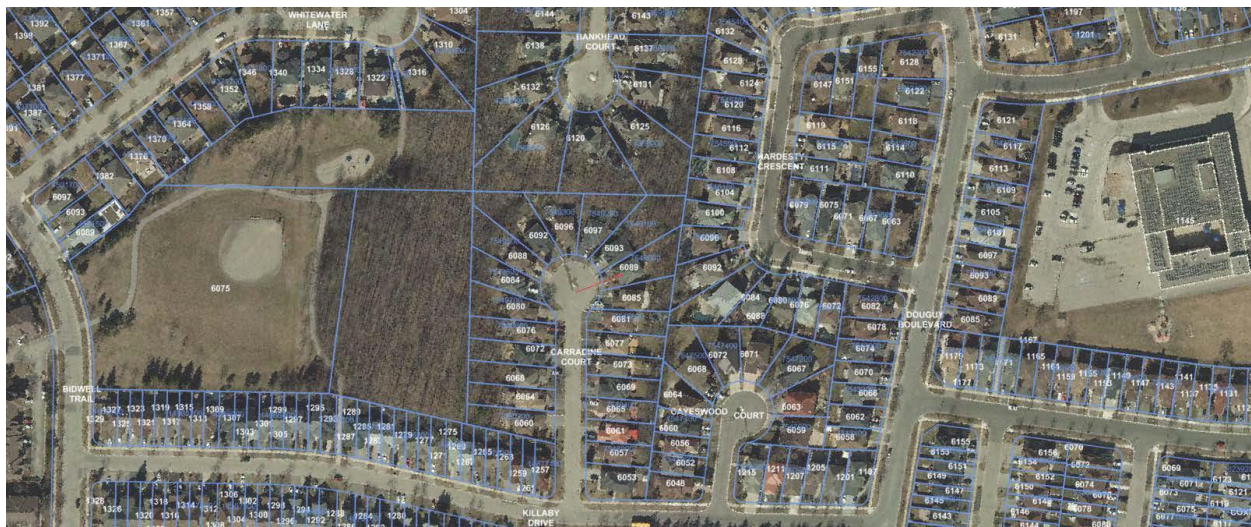
Zoning: R4-33 - Residential

Other Applications: BP 9NEW 22-1025

Site and Area Context

The subject property is located north-west of the Britannia Road West and Douguy Boulevard intersection in the East Credit neighbourhood. It currently contains a two storey detached dwelling with significant mature vegetation in the rear yard. The property has a lot area of +/- 779m² (8,385ft²), which is slightly over the area average, and it is a pie shaped lot at the end of the Carradine Court cul-de-sac. The surrounding area context is predominantly residential, consisting of detached and townhouse dwellings.

The applicant is proposing an accessory structure requiring a variance for its location within the tree preservation zone.



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 East Credit Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex 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. Planning staff are of the opinion that the structure will not impact the surrounding context and has been appropriately built into the subject property's existing site conditions. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

The requested variance is to permit an accessory structure in a Tree Preservation Area. The intent of restricting development in tree preservation areas is to protect clusters of mature trees within established subdivisions and developed areas. Staff note that the proposed structure appears to have been located in a way sensitive to the existing trees on the property and does not have a large or significant foundation. Furthermore the majority of the structure sits outside of the Tree Preservation Area.

Zoning staff have identified an additional variance required for the size of 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 proposed structure represents less than 5% of the lot area and is clearly accessory to the dwelling on the property. Furthermore the side of the structure are open and no height or setback variances are required, limiting the impacts of massing on abutting properties.

Given the above, Planning staff are of the opinion that the application 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?

Planning staff are satisfied that the proposed accessory structure's impacts on the Tree Preservation Area will be minor in nature. The structure is clearly accessory to the dwelling on the property and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of this property we are advising that we have no concerns with the existing accessory structure (Pergola) as constructed.





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 22-1025. Based on review of the information currently available in this permit application, the variance, as requested is correct. We advise that additional variance should be added as follow:

2. An accessory structure with an area of 32.11sq.m (approx. 345.63sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq.m (approx. 215.28sq.ft) in this instance.

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: Alana Zheng, Zoning Examiner

Appendix 3 – Region of Peel Comments

Comments: Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Woodland of the Greenlands System in Peel, under Policy 2.3.2. Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the Credit Valley Conservation (CVC) for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner