

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A542.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new accessory structure proposing:

1. An accessory structure area of 55.70sq m (approx. 599.55sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance; and,
2. A height of an accessory structure of 3.90m (approx. 12.80ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.50m (approx. 11.48ft) in this instance.

Background

Property Address: 5033 Summersky Crt

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

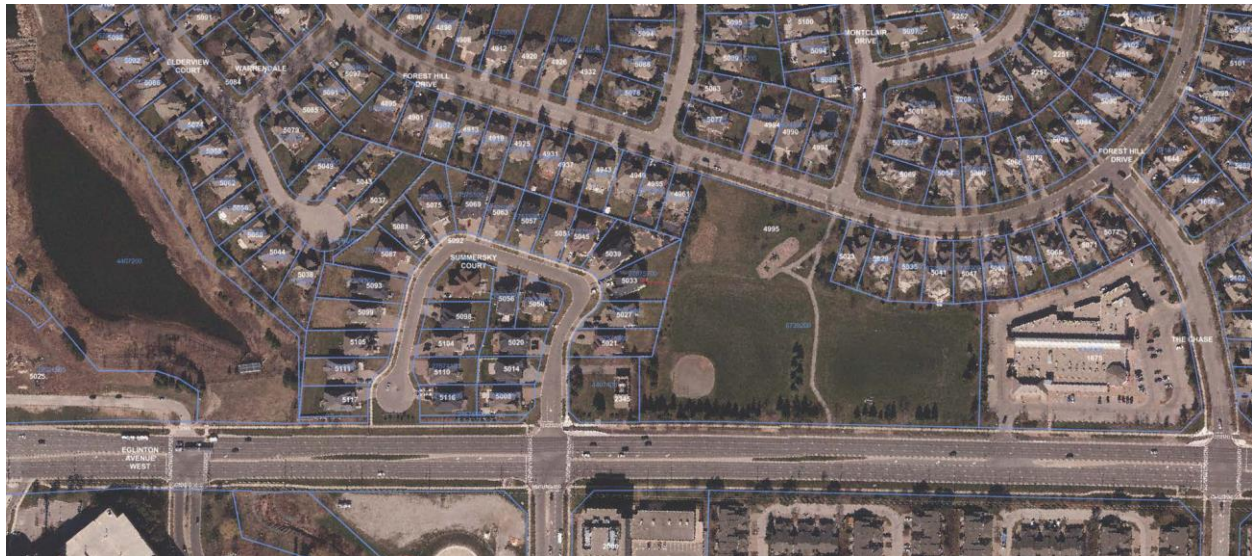
Zoning: R2-8 - Residential

Other Applications: BP 9ALT 22-3037

Site and Area Context

The subject property is located north-east of the Eglinton Avenue West and Erin Mills Parkway intersection in the Central Erin Mills neighbourhood. It currently contains a two-storey detached dwelling with a lot area of +/- 1,296.4m² (13,954ft²). The subject property has a larger lot area than lots in the surrounding area due to its pie shape and being located on the curve of Summersky Court. No notable landscaping or vegetative elements are present on the subject property. The surrounding area context includes a mix of residential uses on generally uniform sized lots as well as commercial uses along Eglinton Avenue West.

The applicant is proposing to construct an accessory structure 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:

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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.

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 are clearly accessory, while not presenting any massing concerns to neighbouring lots.

While staff have no objection to the accessory structure as proposed and note that the height variance is in part due to the grade change towards the rear of the property, through discussions with Zoning staff it has been noted that the requested height variance is likely incorrect. In order to ensure an appropriate and correct height variance is requested, Planning staff recommend that the application be deferred in order to allow the applicant time to verify the accuracy of variance 2 and if other variances are required.

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.

Acknowledging the increase in hard surface material constructed within the rear yard, we have checked the approved Grading Plan for this property (C- 47997) and note that the approved drainage pattern has not been impacted.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building permit under file BP 9ALT 22-3037. Based on review of the information currently available in this permit application, variance #1 as requested is correct. However, we advise that more information is required in order to verify the accuracy of the requested variance # 2 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: Maria Fernandez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

Should the application be approved, Community Services provides the following notes:

1. The lands adjacent of the subject property are owned by the City of Mississauga, known as Forest Hill Park (P-247).
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner