

# City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A641.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the minor variance application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a pergola and deck proposing:

1. A pergola height of 4.32m (approx. 14.17ft) whereas By-law 0225-2007, as amended, permits a maximum pergola height of 3.50m (approx. 11.48ft) in this instance;
2. A pergola area of 29.81sq m (approx. 320.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum pergola height of 20.00sq m (approx. 215.28sq ft) in this instance; and,
3. A deck projection whereas By-law 0225-2007, as amended, does not permit a deck projection in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-2387. Based on review of the information currently available in this permit, variances # 1 and 3, as requested are correct.

In addition, we advise that the following variance should be amended as follows:

2. A pergola area of 29.81sq m (approx. 320.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) per accessory structure in this instance;

## Background

**Property Address:** 26 Oakwood Ave S

## Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density I

## Zoning By-law 0225-2007

**Zoning: R15-8 - Residential**

**Other Applications:** None

## Site and Area Context

The subject property is located southwest of the Lakeshore Road East and Cumberland Drive intersection in Port Credit. The surrounding area context is exclusively residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a two-storey detached dwelling with mature vegetation in the front and side yards.

The applicant is proposing a pergola and deck requiring variances for height, area and deck projection.



## 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 Port Credit Neighbourhood (East) Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex 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 note that the proposal maintains the permitted detached dwelling use and that the development is appropriate given existing site conditions and the surrounding context. Staff are therefore of the opinion 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 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. With respect to Variance #1, staff have no concerns with the proposed accessory structure height, as the variance is for an unenclosed pergola with no massing. Furthermore, no variances for reduced setbacks or lot coverage have been requested. Additional variances for setbacks or lot coverage can exacerbate massing concerns. Variance #2 pertains to accessory structure area. Staff note that the structure poses no massing concerns and that the subject property permits a combined accessory structure area of 60m<sup>2</sup> (645.84ft<sup>2</sup>), which is greater than the applicant's proposal. Furthermore, no additional accessory structures exist on the subject property. Lastly, the accessory structure covers 3.38% of the subject property and will be placed on an existing deck. Therefore, the accessory structure will not cover any additional lot area that is not already covered by the existing deck.

Variance #3 relates to deck projection. The zoning by-law does not permit a deck to project from an accessory building or structure. Staff note that the proposed deck is existing and therefore the proposal will not create additional massing, privacy or overlook concerns.

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

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore, it is the opinion of staff that the proposal does not pose any significant negative impacts to the streetscape or neighbouring lots, and represents an appropriate use of the amenity space. Through a detailed review, staff are of the opinion that the application raises no concerns of a planning nature.

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 proposed pergola and deck will be addressed by our Development Construction Section through Building Permit BP 9ALT-22/2387.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-2387. Based on review of the information currently available in this permit, variances # 1 and 3, as requested are correct.

In addition, we advise that the following variance should be amended as follows:

2. A pergola area of 29.81sq m (approx. 320.87sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) per accessory structure in this instance;

Please note that comments reflect those provided through the above permit application submitted on 10/06/2022 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: Jeanine Benitez, Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner