

City of Mississauga Department Comments

Date Finalized: 2023-01-20	File(s): A712.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the minor variance application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a shed and boathouse to be rebuilt proposing:

1. One covered deck and one uncovered deck, above and projecting from the accessory structure whereas By-law 0225-2007, as amended, does not permit decks and/or balconies on top, above or projecting from any part of an accessory building or structure
2. The combined boathouse, below grade and partially below garage storage rooms, upper covered deck, lower covered deck and planter to be considered as one combined accessory structure for the purposes of Table 4.1.2.2, whereas By-law 0225-2007, as amended, requires Table 4.1.2.2, accessory buildings and structures to be applied individually to each structure in this instance.
3. A maximum area of 243.31 sq.m (approx. 2618.96sq.ft) for the boathouse whereas By-law 0225-2007, as amended, permits a maximum area of 20.0 sq.m (approx. 215.27 sq.ft) for the boathouse in this instance;
4. A maximum combined area of 276.43 sq.m (approx. 2975.46sq.ft) for all accessory buildings and structures whereas By-law 0225-2007, as amended, permits a maximum combined area of 60.0 sq.m (approx. 645.83sq.ft) for all combined accessory buildings and structures in this instance;
5. A height of 4.0m (approx. 13.12ft) of the combined accessory structure whereas By-law 0225-2007, as amended, permits a maximum height of 3.5m (approx. 11.48ft) for the combined accessory structure in this instance; and,
6. A maximum area of 33.12 sq.m (approx. 356.50sq.ft) for the shed whereas By-law 0225-2007, as amended, permits a maximum area of 20.0 sq.m (approx. 215.27sq.ft) for the shed in this instance.

Background

Property Address: 929 Crozier Court

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: **Residential** Low Density I

Zoning By-law 0225-2007

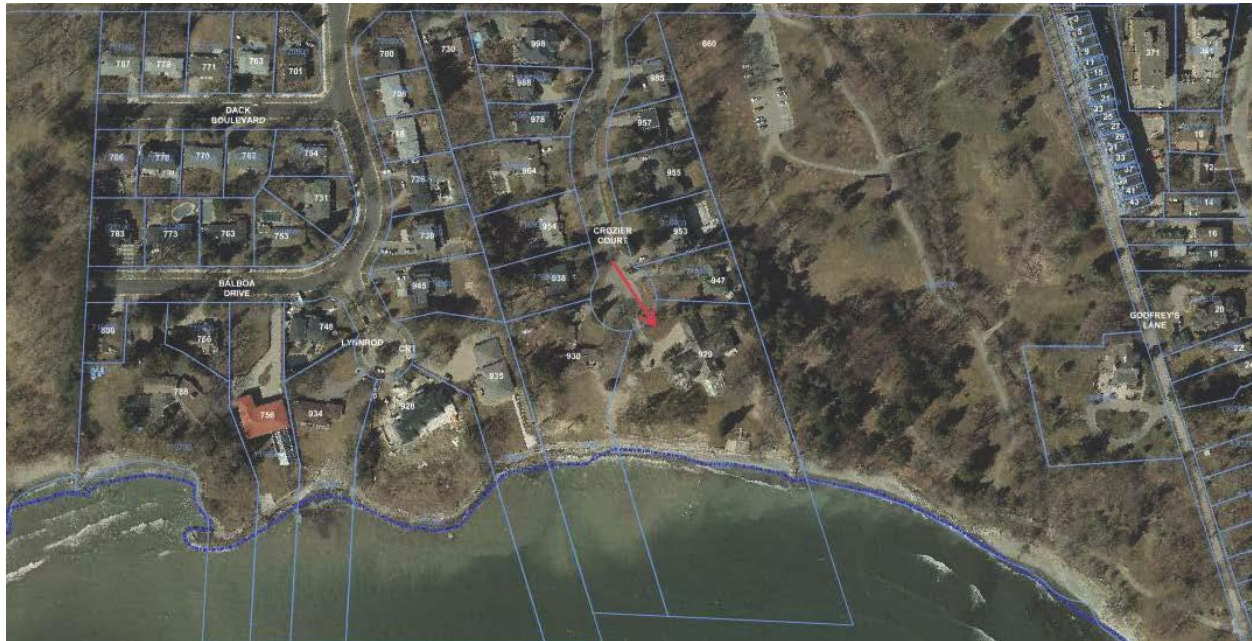
Zoning: R1-2-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Character Area, south of the Crozier Court and Lakeshore Road West Intersection. Immediately abutting the subject property to the east is Rhododendron Gardens and Lake Ontario to the south. The surrounding neighbourhood consists of one, one and a half and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing one-storey dwelling with vegetation in the front yard.

The applicant is proposing accessory structures requiring variances related to accessory structure areas, height and decking.



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 within the Clarkson-Lorne Park Neighbourhood Area, and is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings with individual frontages. 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 applicant requests the Committee to approve minor variances to permit two accessory structures, a shed and boat house. The intent of the zoning by-law provisions regarding

accessory structures is to ensure that the structures are proportional to the lot, dwelling, and clearly accessory while not presenting any massing concerns to neighbouring lots.

While the variances requested for accessory structure height and area appear excessive, staff are of the opinion that they are proportional to the lot, are clearly accessory to the dwelling and do not present any massing concerns. Based on information provided by the agent, staff note that approximately 56% (9,109m² or 98,048.46ft²) of the total 16,376.57m²(176,276ft²) lot area is Lake Ontario. The approximate land area (excluding water area) is 7,267.57m²(7, 8227.47ft²). Therefore, the combined coverage of the accessory structures in relation to the land area is 3.8%, which is minimal. Furthermore, the area of the existing one-storey dwelling is 773.51m² (8326ft²), covering nearly 3 times more of the subject property than the accessory structures combined.

Staff are of the opinion that the massing impacts of the proposed structures is negligible. The existing dwelling screens the massing of both structures proposed from the streetscape. Furthermore, the proposed structures are located on the southeast portion of the rear yard and exceed setback requirements to the shared west property line. The structures are in close proximity to the shared east property line; however, no variances for setbacks to either structure are required and the property to the west is a municipal park (Rhododendron Gardens). The boathouse also sits at a lower elevation than the street and the one-storey existing dwelling. Lastly, significant vegetation exists on the westerly portion of the subject property, which will screen the structures from the abutting property to the west.

Staff are also of the opinion that the proposed decks above the boathouse will not create any privacy or overlook concerns due to the boathouse's location, presence of vegetation, significant setbacks and the elevation of the land where it sits. A majority of the structures massing will be concealed within the portion of the property that slopes downward toward Lake Ontario.

Staff are therefore of the opinion that the general intent and purpose of the zoning by-law are maintained.

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 shed and boat house are being addressed by our Development Construction Section through the Building Permit process BP9 ALT-21/6269.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-7101. Based on review of the information currently available in this 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: Brian Bonner, Supervisor

City of Mississauga Department Comments

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:

The lands adjacent to the property are owned by the City of Mississauga, identified as Brueckner Rhododendron Gardens (P-156) and zoned OS2 – Open Space – City Park.

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. 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 – Credit Valley Conservation

Re: CVC File No. A 22/712
Municipality File No. A 712/22
Syra Group Holdings Inc. and
Rashna Singh
929 Crozier Crt
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;

3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

SITE CHARACTERISTICS:

Based on our mapping, the subject property is located in floodplain, slope hazard and Lake Ontario shoreline. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

The proposed works are located within CVC's Regulated Area and a CVC permit is required.

Proposal:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a shed and boathouse to be rebuilt proposing:

1. One covered deck and one uncovered deck , above and projecting from the accessory structure whereas By-law 0225-2007, as amended, does not permit decks and/or balconies on top, above or projecting from any part of an accessory building or structure;
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Comments:

CVC staff have reviewed the provided information and have no concerns with the requested variance. A CVC permit will be required for the proposed development and any outstanding concerns will be addressed through the CVC permit process. CVC is currently reviewing the CVC permit application (FF 20/244). As such, CVC staff have no objection to the approval of this minor variance by the Committee at this time.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Beata Pakulski – Junior Planner, Planning and Development Services

Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services