

City of Mississauga Department Comments

Date Finalized: 2023-02-06	File(s): A772.22 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 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 cabana proposing:

1. A lot coverage of 33% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. An accessory structure area of 39.25sq m (approx. 422.48sq 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,
3. A rear yard setback for an accessory structure of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 4010 Dory Crt

Mississauga Official Plan

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

Zoning By-law 0225-2007

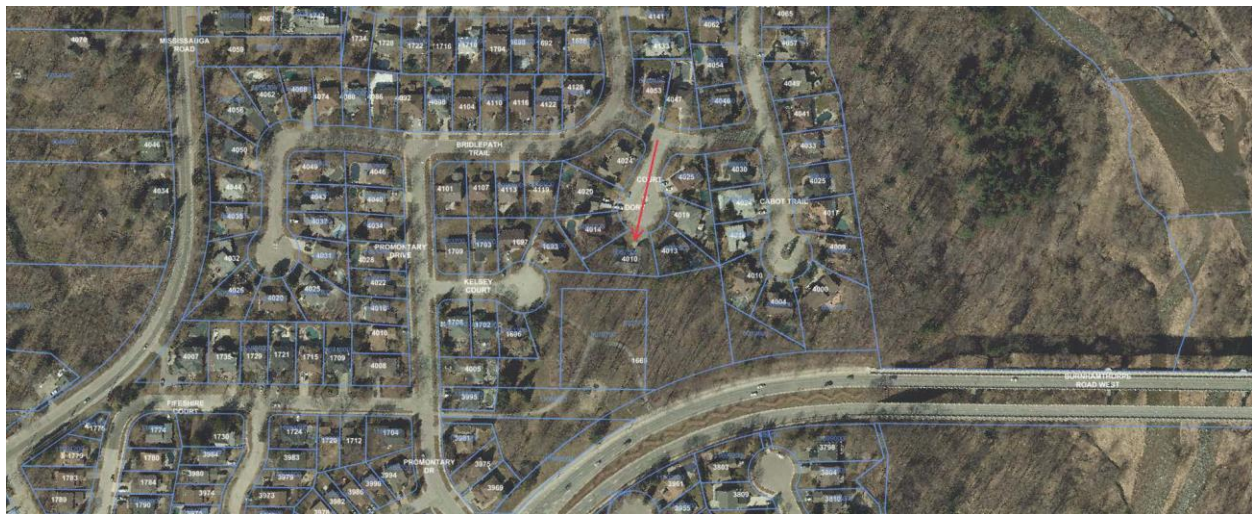
Zoning: R2- Residential

Other Applications: Building permit under file 9 NEW 22-4033

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of the Mississauga Road and Burnhamthorpe Road West intersection. The immediate neighbourhood is entirely residential, consisting of one and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a new accessory structure requiring variances for lot coverage, accessory structure area and rear yard setback.



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 are as follows:

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

Upon review of the application, staff have identified concerns with the location of the proposed accessory structure. Variance #3 proposes an inadequate rear yard setback to the southerly wall of the accessory structure. Staff are concerned that the proposed setback is insufficient and will impede access to the rear side of the structure for maintenance purposes. Staff have no concerns regarding the structure's massing, as the subject property is permitted a combined

accessory structure area of 60m² (645ft²) as of right. Furthermore, no variances are requested for height and the proposed structure is primarily open. Lastly, the only property that would be impacted by the proposed development is Richard FC Mortenson Park, which is municipally owned, operated, and is located directly south of the subject property.

As such, staff recommends that the application be deferred to allow the applicant an opportunity to relocate the proposed structure to provide for an adequate buffer to all lot lines. Staff have no immediate concerns with the remaining variances requested.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos of the location of the proposed cabana. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed cabana are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-22/4033.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-4033. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Richard F.C. Mortensen Park (P-192), classified as a Significant Natural within the City's Natural Heritage System, and zoned OS1 – Open Space – Community Park.

The Park Planning Section recommends that the application be deferred to allow for a new proposed location of the structure to allow for a larger setback to the City lands adjacent to the rear of the property.

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

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 – Region of Peel

We have no comments or objections.

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