

# City of Mississauga Department Comments

Date Finalized: 2023-02-22	File(s): A542.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## 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 3.55m (approx. 11.64ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.50m (approx. 11.48ft) in this instance; and,
3. A setback of 0.914m (approx. 3.00ft) to the deck whereas By-law 0225-2007, as amended, requires a setback of 1.5m (approx. 4.92ft) to the deck 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

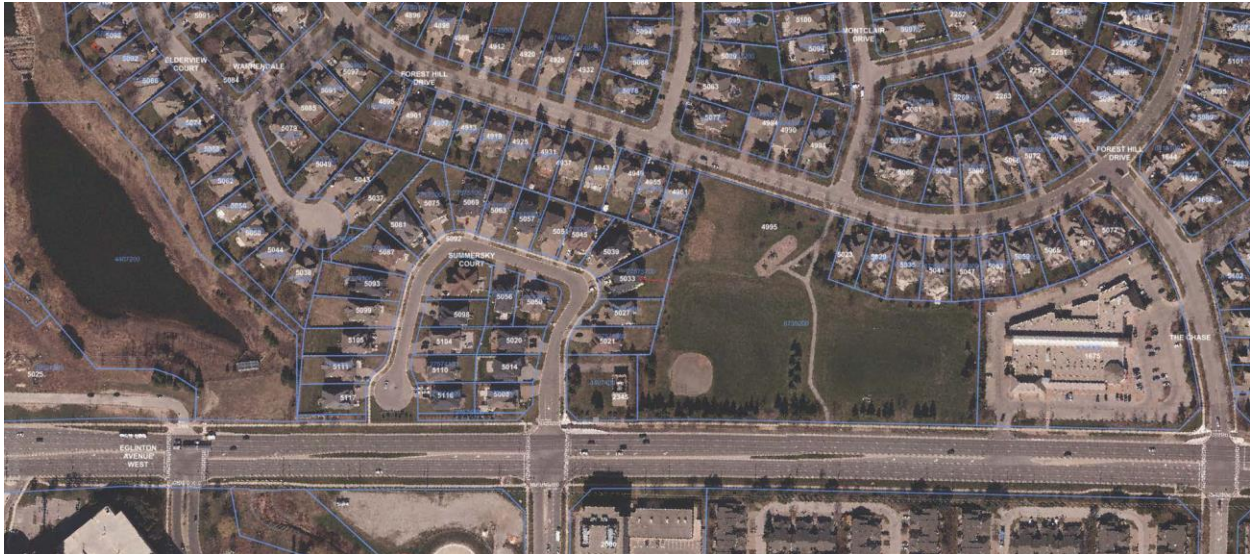
**Zoning:** R2-8 - Residential

**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 +/- 1,296.4m<sup>2</sup> (13,954ft<sup>2</sup>). The subject property has a larger lot area than other 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, as well as a variance for setback to an existing deck.



## 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 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. Planning staff are satisfied that the proposed structure and deck are appropriate given the existing site conditions and will not significantly impact abutting properties. 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?**

Variations 1 & 2 relate to the size and height of the proposed 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 are clearly accessory, while not presenting any massing concerns to neighbouring lots. While the proposed floor area seems large on paper, staff note that the applicant could construct 3 separate structures side by side with a similar massing impact and not require variations. As proposed the structure is proportional to the lot and will not have significant massing impacts above the as of right permission. In regards to the height, staff note that the height variation is in part due to the grading of the property. Staff are satisfied that the height of the structure is not excessive and won't present as the full height for the full length of the structure.

Variation 3 requests a reduced setback to the existing deck. The intent of setback requirements to decks are to ensure appropriate drainage patterns can be maintained and to reduce issues surrounding privacy and overlook. The proposed deck setback is adjacent to a public park, eliminating concerns surrounding privacy and overlook. Furthermore, Transportation and Works staff have not raised any drainage related concerns.

Given the above Planning staff are satisfied 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 variations, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the proposal represents appropriate development of the subject property.

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, 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: 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.

The lands to the rear of the property are owned by the City of Mississauga, identified as Forest Hill Park (P-247) and zoned OS1 – Open Space – Community Park.

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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant