

# City of Mississauga Department Comments

Date Finalized: 2023-05-03 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A83.23 Ward: 2
	Meeting date:2023-05-11 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the application, as amended.

## Application Details

The applicant requests to Committee to approve a minor variance application to allow the construction of an accessory structure proposing a coverage of an accessory structure of 21.74sq m (approx. 234.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum coverage of 10.00sq m (approx. 107.64sq ft) in this instance.

### Amendments

The Building Department is currently processing a Building Permit under file BP 22-5023. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance application to allow the construction of an accessory structure proposing an occupied area of 21.74sq m (approx. 234.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of 10.00sq m (approx. 107.64sq ft) in this instance.

## Background

**Property Address:** 2666 Birch Cres

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density II

## Zoning By-law 0225-2007

**Zoning:** R3- Residential  
**Other Applications:** BP 9NEW-22/5023

## Site and Area Context

The subject property is located within the Clarkson-Lorne Park Character Area, northeast of the Winston Churchill Boulevard and Benedet Drive Intersection. The surrounding neighbourhood consists of one and two storey-detached dwellings with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with mature vegetation in the front yard.

The applicant is proposing an accessory structure requiring a variance related to accessory structure area.



## 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*.

"[Enter info here]"

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 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 area appear to be 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. Staff note that a majority of the proposed structure is open; therefore, it does not contain as much massing as an enclosed structure. Furthermore, the proposed structure covers approximately 3.9% of the land area and the footprint of the detached dwelling covers nearly 7 times more of the land area than the accessory structure. Therefore, the coverage of the accessory structure in relation to the land area and dwelling is minimal. Lastly, no additional structures are being proposed and the proposed structure is below the 60m<sup>2</sup> (645.84ft<sup>2</sup>) combined area requirement for accessory structures.

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 accessory structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-22/5023.







Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 22-5023. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance application to allow the construction of an accessory structure proposing an occupied area of 21.74sq m (approx. 234.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of 10.00sq m (approx. 107.64sq ft) in this instance.

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: Andrea Patsalides, Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner