

# City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A448.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a two-storey addition proposing:

1. A lot coverage of 33.59% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance; and,
2. A lot coverage of 6.02% for an accessory building whereas By-law 0225-2007, as amended, permits a lot coverage of 5% for an accessory building in this instance.

## Background

**Property Address:** 5106 Terry Fox Way

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R1-Residential

**Other Applications:** 21-8429

## Site and Area Context

The property is located west of Terry Fox Way, west of the Eglinton Avenue West intersection in the East Credit Neighbourhood. The property currently contains a single storey detached dwelling with some vegetation throughout. The subject property has a lot area of +/- 1,683.40m<sup>2</sup> (18,119.97ft<sup>2</sup>). The built form of the surrounding neighbourhood consists of single storey detached dwellings and a medical office (dentist office) abutting the subject property to the west.

The applicant is proposing a two-storey addition and pool enclosure requiring variances for lot coverage and accessory structure lot coverage.



## 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 site is located within the East Credit Neighbourhood Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings, semi-detached dwellings, and duplex 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. The existing residential dwelling is permitted within this designation and the variances create a built form on site that is compatible with the surrounding context. Staff is of the opinion that the general intent and purpose of the MOP is maintained.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance 1 and 2 propose an increase to the total lot coverage and accessory structure lot coverage for the subject property. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. Overdevelopment of a property can impact the neighbourhood streetscape and neighbouring properties by not reflecting the neighbourhood's existing character and massing. Upon review of the drawings, staff note the existing dwelling and covered porch account for 23.8% of the total lot coverage, which does not exceed the maximum permitted (25%) on the subject property. The proposed addition represents an additional lot coverage of 3.8% resulting in a marginal overage of lot coverage.

Variance 2 requests an increased lot coverage for the accessory structure. Accessory structures are permitted on residential properties. The proposed accessory structure setback complies with the by-law requirements for accessory structures. Furthermore, the accessory structure is no taller than 3m when measured from grade. The proposed accessory structure would have a lot coverage of 6.02 %, exceeding the maximum permitted lot coverage for an accessory structure by 1.02% (+/- 20.2m<sup>2</sup>). Staff note the proposed accessory structure will be utilized to cover the existing swimming pool on property. Recognizing that this lot is one of the largest in the neighbourhood, the accessory structure is one-storey and significant landscaped soft area in the rear yard is maintained on the subject property, staff are of the opinion the accessory structure does not contribute to overdevelopment of the lot and is clearly accessory to the primary use of the lot.

Given the above, staff are of the opinion that the variances maintain 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?**

Staff are of the opinion that the proposed accessory structures will not have any significant impacts on neighbouring properties and represent appropriate development of the lands. As such, the variances are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 two-storey addition will be addressed through the Building Permit Process. From our site inspection of the property we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.

Comments Prepared by: Joe Alava, Development Engineering



### Appendix 2 – Zoning Comments

The Building Department is currently processing Preliminary Zoning Review application file 21-8429. Based on review of the information currently available in this permit 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: Brooke Herczeg, Zoning Examiner

### Appendix 3- Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Ayoola Ayooluwa, Junior Planner