

# City of Mississauga Department Comments

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| Date Finalized: 2023-08-16                | File(s): A298.23                      |
| To: Committee of Adjustment               | Ward: 1                               |
| From: Committee of Adjustment Coordinator | Meeting date:2023-08-24<br>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 an accessory structure proposing:

1. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
2. An accessory structure area of 25.30sq m (approx. 272.33sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance;
3. A garden suite (with a garage) height of 8.16m (approx. 26.77ft) whereas By-law 0225-2007, as amended, permits a maximum height of 4.60m (approx. 15.09ft) in this instance;
4. A height to the underside of eaves for a garden suite (with a garage) of 5.98m (approx. 19.62ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
5. An accessory dwelling unit outside the main dwelling whereas By-law 0225-2007, as amended, does not permit an accessory dwelling unit outside the main dwelling in this instance;
6. A deck located above the first storey to facilitate an entrance to a second unit whereas By-law 0225-2007, as amended, does not permit a deck located above the first storey to facilitate an entrance to a second unit in this instance;
7. A total garage area (including garden suite with garage) of 79.23 sq m (approx. 852.82sq ft) whereas By-law 0225-2007, as amended, permits a maximum total garage area of 75.00sq m (approx. 807.29sq ft) in this instance;
8. A rear yard setback to the proposed deck of 0.93m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the deck of 5.00m (approx. 16.40ft) in this instance;
9. A shed height of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, permits a maximum shed height of 3.00m (approx. 9.84ft) in this instance;
10. A driveway width of 8.54m (approx. 28.02ft) whereas By-law 0225-2007, as amended,

permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,  
11. A balcony on top of a detached garage under a garden suite whereas By-law 0225-2007, as amended, only permits a balcony on top of an attached garage in this instance.

## Background

**Property Address:** 1515 Applewood Road

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-75- Residential

**Other Applications:** BP 9NEW 23-5560

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of the Haig Boulevard and South Service Road intersection. The neighbourhood is primarily 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 mature vegetation in the front yard.

The applicant is proposing two accessory structures requiring variances for heights, areas, setbacks, number of garages, driveway width, and a balcony and other technical variances.



## 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 designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings.

Bill 23, *More Homes Built Faster Act, 2022*, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available.

Planning staff has identified concerns with respect to variances #2, 3, 4, 6, 7, 8, 9 and 11.

These variances are required to accommodate 1 two-storey shed and 1 two-storey garden suite with a double car garage at grade. The second storey of the shed is open to below. The garden suite is entirely located on the second storey of the detached garage structure and contains a second storey balcony.

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 clearly accessory while not presenting any massing concerns to neighbouring lots. Staff are of the opinion that both structures/buildings are not accessory, proportional to the lot or dwelling and will present significant massing concerns.

The height of the proposed two-storey garden suite is nearly double the maximum height permitted. Although the applicant has not provided the height of the existing dwelling on the lot, staff note that it is one and a half-storey and are of the opinion that the proposed structure may shadow over the existing dwelling. Furthermore, the heights proposed in variances #3 and 4 are closer aligned with maximum height permissions for detached dwellings. Staff are of the opinion that the request under variance #7 is excessive and will add unnecessary massing to the structure. The proposed garage can accommodate two cars, while the existing dwelling contains a single car attached garage for comparison purposes. Lastly, staff are of the opinion that variances #6, 8 and 11, when considering the proposed height increases, will cause privacy and overlook concerns for abutting properties.

Staff are also of the opinion that the height and area (variances #2 and 9) of the proposed two-storey shed are excessive. Staff note that the proposed shed is existing and are of the opinion that proposed height and areas will permit a structure that is not proportional to the lot or dwelling and will negatively impact adjacent properties from a massing perspective.

As such, Planning staff recommends that the application be deferred to allow the applicant an opportunity to redesign the proposal.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Attached are photos of the existing shed with attic space. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed accessory structure and detached garage are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/5560.





Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file BP 9NEW 23-5560. Based on review of the information currently available in this 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: Gary Gagnier; Zoning Examiner

### Appendix 3 – Region of Peel

**Minor Variance Application: A-23-298M – 1515 Applewood Rd**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Patrycia Menko, Junior Planner