

# City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A413.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow existing accessory structures proposing:

1. A gazebo height of 3.16m (approx. 10.37ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
2. A gazebo area of 12.84sq m (approx. 138.21sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 10.00sq m (approx. 107.64sq ft) in this instance;
3. A shed height of 3.35m (approx. 11.00ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and,
4. A decorative paving/hard surface landscape setback in the rear yard of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

## Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note the decorative paving/hard surface landscape located in the rear yard should be noted as a 0.0m setback to the side yard lot line.

## Background

**Property Address:** 2351 Goodison Ave

**Mississauga Official Plan**

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning: R3- Residential**

**Other Applications: None**

### **Site and Area Context**

The subject property is located north-west of the Queensway West and Confederation Parkway intersection in the Cooksville Neighbourhood Character Area. It has a lot frontage of 19.69m (64.59ft) and an area of 732.56m<sup>2</sup> (7,885.21ft<sup>2</sup>), which is consistent with other detached dwellings in the area. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context contains residential uses, consisting of a mix of detached and semi-detached dwellings.

The applicant is proposing to legalize multiple accessory structures regarding heights, area and a side yard setback from the hard surface landscaping material in the rear yard.



## 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 Cooksville Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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 structures are appropriately located at the rear of the property and separated from the public realm. The structures are compatible with the surrounding area and do not pose any significant impact to the abutting properties. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

Variances 1 and 3 pertain to an increase in accessory structure height. The intent of the height provision is to ensure that the structure is proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to the neighbouring lots. Staff note that the proposed heights represent a small deviation from what is currently permitted as of right in the zoning by-law.

Variance 2 relates to the floor area of the accessory structure. The floor area exceeds the by-law by 2.84m<sup>2</sup> (30.56ft<sup>2</sup>). Staff are of the opinion that this will have no significant impacts on the surrounding properties. The lack of walls surrounding the structure further reduces any massing impact. No additional variances for lot line setbacks have been requested which further mitigate any potential impact. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands and are satisfied that any massing impacts on abutting properties are minor in nature.

Variance 4 requests a reduced side yard for the hard surfaced landscaping. The general intent of this portion of the by-law is to ensure appropriate drainage patterns can be maintained. While a setback of 0.0m is maintained along the majority of the side lot line on the subject property, Transportation & Works staff have raised no drainage concerns.

Given the above, staff are of the opinion 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?**

Staff are of the opinion that the proposal represents appropriate development of the subject property and that impacts to the abutting properties will be minor in nature.

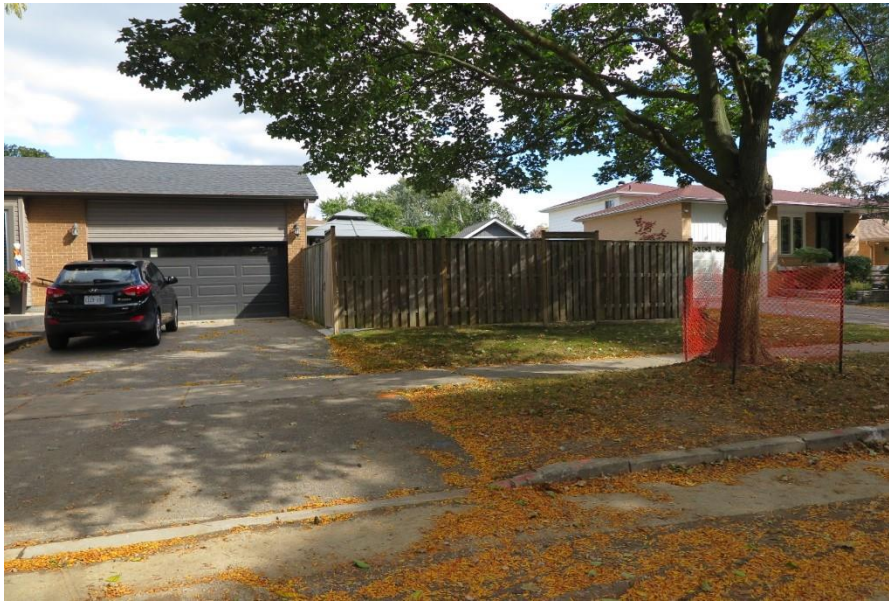
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot and the accessory structures (gazebo and shed) have been constructed in an area that will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the request.

Comments Prepared by: Joe Alava, T&W Development Engineering







## Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

**Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner