

# City of Mississauga Department Comments

Date Finalized: 2023-11-29	File(s): A461.23 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-12-07 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variance 2, however recommends variance 1 be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. An accessory structure height of 4.07m (approx. 13.35ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance; and,
2. An accessory structure area of 28.16sq m (approx. 303.11sq 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.

## Background

**Property Address:** 4506 Mayflower Drive

### Mississauga Official Plan

Character Area: Hurontario Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

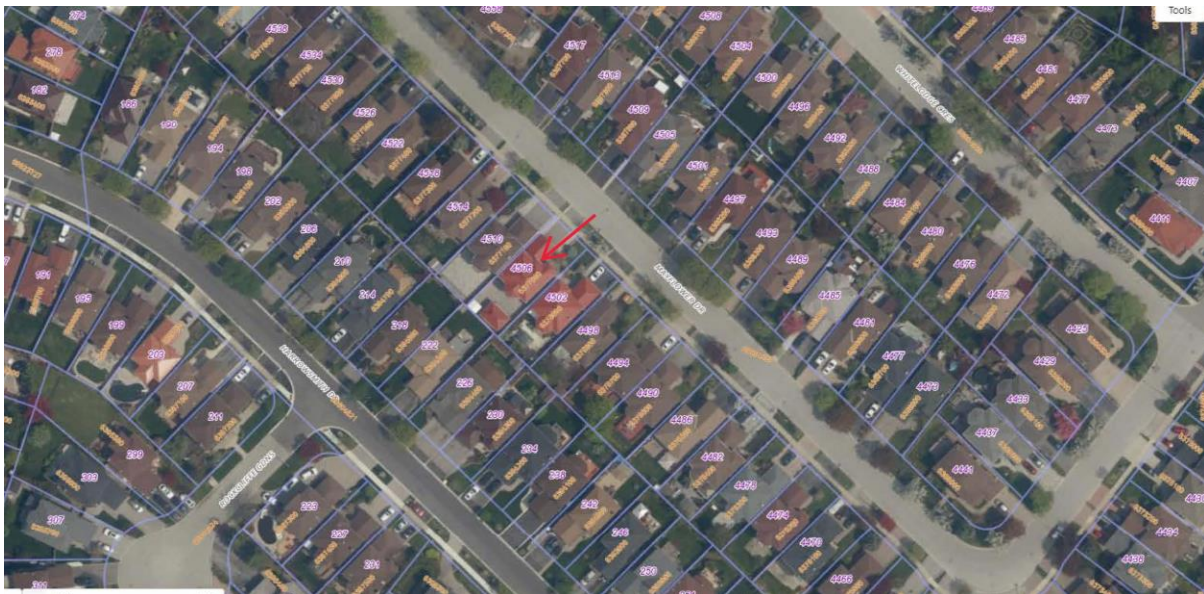
**Zoning:** R4-15- Residential

**Other Applications:** BP 9NEW 22-2399

### Site and Area Context

The subject property is located north-east of the Highway 403 and Confederation Parkway interchange in the Hurontario Neighbourhood Character Area. It is an interior lot and currently contains a two-storey detached dwelling with an attached garage. The subject property has a lot area of +/- 421.92m<sup>2</sup> (+/- 4,541.50ft<sup>2</sup>). While limited vegetation and landscaping is present in the front yard, there is no vegetation in the rear yard as it contains only hard surfaced landscaping materials. The surrounding context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing to legalize an existing accessory structure requiring variances for accessory structure area and height.



## 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 Hurontario 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. Despite the area of the accessory structure, it is not out of character with the surrounding area and is appropriately located on the subject property. However planning staff are of the opinion that the height of the existing structure is not compatible with the surrounding context and poses notable massing impacts to the abutting properties.

Given this, staff are of the opinion variance 2 maintains the general intent and purpose of the official plan, however variance 1 does not.

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

Variance 1 requests 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 height does not represent a small deviation from current regulations and presents significant massing concerns.

Variance 2 pertains to the floor area of the 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 clearly accessory while not presenting any massing concerns to neighbouring lots. While the existing accessory structure is notably larger than a single accessory structure permitted on this property, staff note that three legally sized accessory structures placed side by side at the same location on the property would have a similar massing impact. No additional variances for setbacks have been requested, which further limits potential impacts to abutting properties. Staff are of the opinion that the size of the structure is appropriate for and proportionate to the lot and therefore does not create any massing issues or represent an overdevelopment of the subject property.

Given the above, planning staff are of the opinion that variance 2 maintains the general intent and purpose of the zoning by-law, however variance 1 does not.

While planning staff are not in a position to interpret the zoning by-law, staff note additional variances may be required for driveway width, minimum landscaped soft area and hard surfaced landscape material setbacks to both the interior side and rear yard lot lines in the rear yard.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that variance 2 represents the appropriate development of the subject property. The request is minor in nature and will not have any additional impacts to abutting properties when compared to an as of right condition. However, variance 1 is not minor in nature and does not represent appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are photos depicting the accessory structure and the rear yard area where an excessive hard surface area has been constructed. From our site inspection and the attached photos it is difficult to accurately determine the exact direction of any surface runoff as the rear yard appears flat. Typically we can identify any grade changes by observing the fence elevations, however in this instance even the fence elevations in the rear yard appear relatively flat.

There are two downspouts at the rear of the accessory structure, however they have been buried under the concrete slab and it is not clear exactly where they are discharging. The applicant has provided a very narrow area abutting the fence with gravel, however it is uncertain as to how effective this would be at times of a heavy rainfall.

We have attached a copy of Grading Plan C-21031 and highlighted the subject Lot #13. The Grading Plan indicates that the drainage pattern for this lot was designed such that drainage from the rear yard was to be directed onto the abutting Lot #14 and then into a catch basin located at the rear of Lot #15.

Also attached an aerial photo depicting the subject and abutting property which clearly indicates that the abutting property has also constructed a hard surface area in their entire rear yard which likely has impacted the drainage pattern.

The owner has provided a petition from a number of neighbours indicating that they did not object to the gazebo. It should be noted that both abutting neighbours, Lots # 12 and #14 have signed the petition, however we are uncertain if any of the abutting properties to the rear, specifically 218, 222 and 226 Harrowsmith Drive have been impacted and if they have any drainage related concerns.

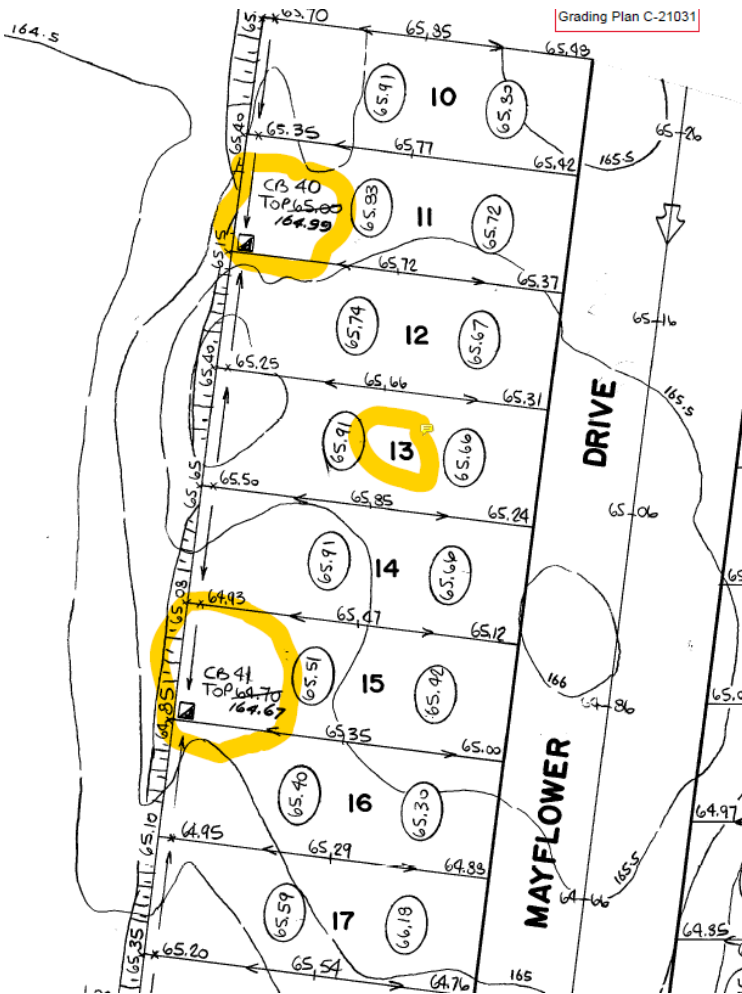
In view of the above this department has concerns with the significant hard surface area in the rear yard as the increased hard surface treatment essentially increases the flow of water into the municipal storm sewer system. Incremental increases across the neighbourhood and the city essentially can have increased pressure on the City's storm sewer system. Lots are designed to typically retain some rain water through infiltration of water into the permeable surfaces such as grass and permeable grassed areas which would allow for the infiltration of water.

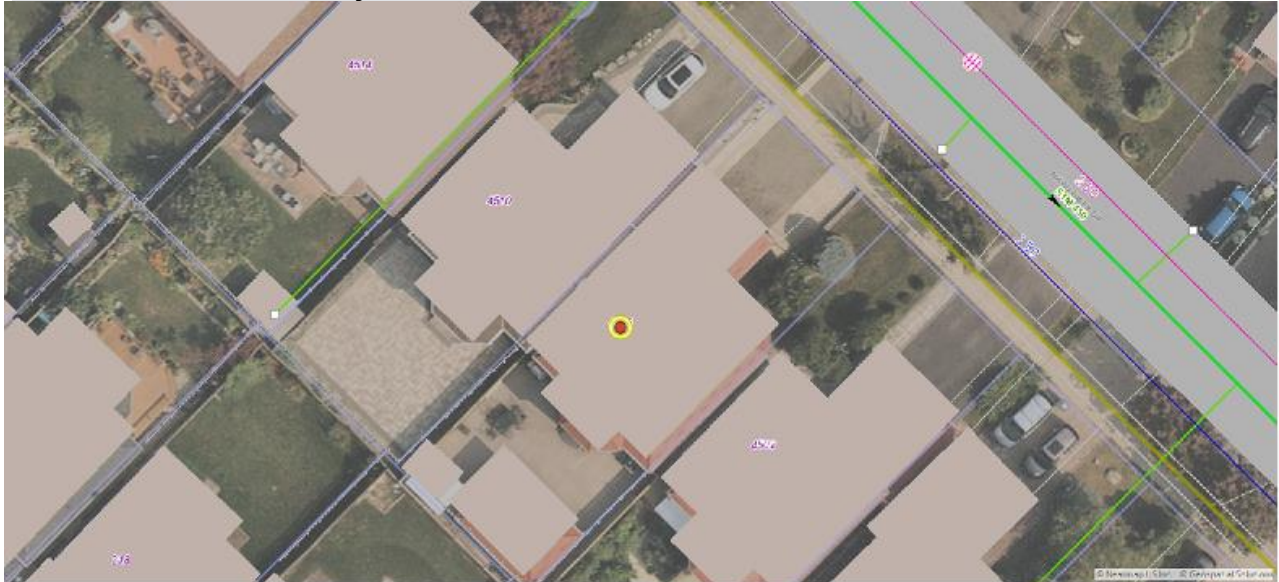
We typically would have recommended that an **area** of the hard surface be removed abutting Lot #12, however in this particular instance this would probably not work as the neighbour has also impeded the drainage pattern by constructing a hard surface in their **entire** rear yard.

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







**Aerial Photo for 4506 Mayflower Drive****Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application BP 9NEW 22-2399. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

**Appendix 3- Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner