

Mississauga, Ontario
L5A 2T8

December 1, 2023

City of Mississauga
City Council

To: Members of City of Mississauga City Council

Subject: Further zoning and property standard amendment recommendations in relation to Accessory Buildings and Structures for consideration and approval by City of Mississauga City Council as well as follow up and further expansion of information as related to agenda item 6.4 as presented at the Planning and Development meeting November 27, 2023.

Corporate Report - item 6.4 - Information Report (all wards) Planning and Development meeting November 27th, 2023.

The Corporate Report from Andrew Whittemore, Commissioner of Planning and Building dated November 8, 2023 was to outline the history of zoning changes for accessory buildings and structures including data on complaints as well as any implications of maintaining the regulations to the by-law. According to this corporate report the 2019 zoning bylaw amendments regarding accessory buildings and structures main objective was to lessen the workload of the Committee of Adjustment regarding minor variances for these structures.

Results of Effect of 2019 Zoning Amendments - Comments

While the goal to lessen the workload of the Committee of Adjustment may have been achieved, as noted there was a 10.4% decrease in the number of variance applications regarding accessory structures, between 2016-2018 and 2020-2022, nothing is said about the community impact of these amendments.

Data shows that between 2016 - 2018 and 2020-2022 the **total number of complaints regarding property standards almost doubled but no actual percentage was noted.** In addition, it is noted that the data regarding complaints specifically regarding accessory buildings and structures decreased 1.02% between 2016-2018 and 0.08% between 2020-2022. Since this report focused on the zoning bylaw amendments of 2019 regarding accessory structures the year 2019 was omitted.

Accordingly, since these amendments were not in place in the years 2016 - 2018 this data is not relevant to the purpose of this report. The actual percentages reported are also in question. As per the City of Mississauga's records retention requirements complaint investigations once closed are retained for a period of 7 years this would mean data for the year 2016 would have been

destroyed by the time this report was requested as well as most of data for the year 2017. As a result this data now only represents two years 2020 - 2022 as opposed to six years as noted in the report. The specifics of the complaint requests such as a breakdown of complaints by actual accessory structure and by inactive, active and ongoing investigations are also not noted. In fact it is almost impossible to come up with conclusive data as new complaint investigations are logged and old investigations are destroyed making these complaint percentages a constant moving target.

Commissioner Whittemore correctly stated this **report is inconclusive** but still recommended no further amendments to the zoning by-law in regard to accessory buildings and structures. **Inconclusive information should be considered invalid and stricken from the record and not used as grounds to prohibit further zoning by-law amendments regarding accessory buildings and structures.**

Community Impact

While the 2019 zoning amendments regarding accessory structures may have lessened the workload of the Committee of Adjustment and expedited build processes for accessory structures it did little to nothing to note the community impact.

Attached are a few photos of an accessory structure specifically a shed in Ward 4 in the City of Mississauga. This shed has been under construction since June of 2022 and is the end result of the loop holes left in the 2019 zoning bylaw amendments and property standard bylaws relating to accessory buildings and structures.

Background Information of this shed example

As a result of this accessory structure a petition was created, circulated and delivered to the Ward 4 Councillor John Kovac in the summer of 2022 (**see attached petition**). In October 2022 a meeting was arranged by Councillor Kovac to meet with himself and city staff from bylaw, zoning, building/planning and the fire departments at the City of Mississauga offices. Councillor Kovac was requested by the residents on the petition to make a motion to further amend the zoning by-law regarding accessory buildings and structures but City staff advised Councillor Kovac not to proceed with this motion despite the evidence provided.

Changes to Zoning by-law for accessory building and structures and Property Standards bylaws community impact - Actual case example.

While in theory or on paper the 2019 zoning bylaw amendments regarding accessory buildings and structures seem logical, they translate into a very different scenario in reality.

Example - Shed photos - Description and explanation of community impact.

-No maximum lot cover for accessory structures for lots smaller than 750m2.

Resulting Impact - smaller lots look overcrowded, cluttered, cheap and slumlike bringing down property standards as well as property values.

-11.5ft height for accessory structures.

Resulting Impact- on smaller lots this height is imposing, intrusive and overshadowing into the adjacent properties especially when the accessory structure is built on multiple height footings, as is seen in the attached photos.

- Questioning of accessory structure actual height for structures with Multiple height footings.

Resulting Impact - In this particular case the highest footing is approximately 3ft, middle footing approximately 2.5ft and the lowest footing approximately 1.5ft - 2ft. This creates an even more imposing structure on such a small lot. In addition, height measurements, to the best of my knowledge, were not measured in accordance with the zoning department specific height calculation for structures with multiple footings.

Measurements from the highest, middle and lowest footing should be measured and per calculations an average of the three footings be determined as the actual height. Bylaw, although asked to produce proof that this calculation had been done, has not provided this information. Residents still maintain the shed is higher than 11.5ft.

-No building permit required therefore no building design review.

Resulting Impact - crude unsightly hideous design. Property standards forfeited and property values decreased in the interest of expediting processes and lessening the workload of the Committee of Adjustment.

-Use of repurposed building materials for accessory buildings and structures.

Resulting Impact - use of below substandard building materials. In the case of the accessory structure in the attached photos the building materials were used from roadsides and dumps. Old moldy insulation was used that was exposed to elements for a year as well as exposed to rodent and animal droppings creating serious health and safety concerns.

-No concrete pad poured instead multiple height footings installed.

Resulting Impact - Accessory structure seems larger and more imposing than if it had been built at ground level on a concrete pad or on top of cement tiles. Unbelievably, after the

footings were installed and the structure built, ground was then added around the shed on the outer side of the footings but not under the shed in an effort to cover up the badly eroded ground most of which was caused by the homeowner through planting and removing fruit trees as well as years of lack of maintenance and disrepair. This action altered the grade and drainage to the adjacent property line. This situation took place November 25th, 2023. In addition, to all the negative impact results noted above now there is a strong potential for water damage to adjacent properties. When 311 was contacted regarding the elevation of the grade residents were told the City had no bylaw to control a property owner from changing elevation, grade or drainage. This impact is quite a blow as adjacent properties could be on the hook for hefty costs due to water damage not to mention the insurance implications.

Suggested Further Amendments to the Zoning bylaw and Property Standards bylaw regarding Accessory Buildings and Structure

Zoning Bylaw further amendments in regards to accessory buildings and structures

1. Reduce height of accessory building and structures from 11.5ft on lots under 750m² to 8ft. This would make the structure less imposing and reduce overshadowing into surrounding properties.
2. Ensure accessory buildings are built at ground level on concrete pads or tiles. If footings are needed ensure they are close to ground level to discourage rodents and wildlife populations from making a home under the structure.
3. Establish a maximum lot coverage for accessory buildings and structures for lots under 750m² to stop overcrowding, cluttered and slumlike conditions.
4. Adopt a bylaw with strict criteria regarding elevation of property grade and drainage to prevent damage to surrounding properties.
5. Ensure strict enforcement of the maximum lot coverage 35% of all structures on smaller lots under 750m².

Property Standards further amendments regarding accessory buildings and structures

1. While no building permit is required for these accessory structures further recommend adopting a bylaw to include a design review which would adhere to City of Mississauga Property Standards to maintain property values.

Note: aware this process requires Building, Planning and Development and Property Standards departments working in tandem and collaboratively.

2. Amendment of building materials used in accessory buildings and structures from repurposed building materials to materials of good quality to address health and safety concerns, maintain aesthetics and property values. Ensure finished product, of accessory buildings and structures, from design, materials, paint or siding is aesthetically pleasing to avoid slumlike conditions.

NOTE: Although control of building materials does not fall under the zoning by-law or the planning and development department it does fall under the City of Mississauga's property standards by-law and not under the Ontario Building Code as confirmed in the attached email from the Ontario Ministry of Municipal Housing and Affairs.

City of Mississauga Property Standards bylaw 654-98

Accessory buildings shall be kept:

- (1) Protected by paint, preservative or other weather-resistant material.**
- (2) In a structurally sound condition and plumb, unless specifically designed to be other than vertical.**
- (3) In good repair and free of accidents hazards; and**
- (4) So as not to present an unsightly appearance.**

Conclusion

In conclusion, while the example of the accessory building noted above may seem like a one off and presented as a situation only impacting one household, **Council is reminded this issue was presented on a petition representing numerous households (see attached petition).** Council is also reminded that this issue has been back and forth with City staff for over a year to get to this point. Is there really no other cases such as this situation if so where is the data? Could it be that residents have been so inundated with the red tape, delay and stalls in response to such complaints that they have simply thrown up their hands in resignation. Unfortunately, no mention was made about the City of Mississauga's efficiency level when responding to complaints such as the shed issue noted above.

Looking to the future with the additional transfer of responsibilities from the Region of Peel to the City of Mississauga in 2025 there will be a further erosion in the efficiency levels in response to complaint investigations. Time spent in meetings noting what can't be done and adopting a "this not my area attitude" should be an opportunity to brainstorm, work collaboratively and focus on identifying problems and finding solutions. This is truly the work ethic taxpayers expect and should have from its City.

The type of accessory building noted above adds NO value to any property or to any city and sets a bad precedent for the City of Mississauga going forward.

The suggested zoning and property standards amendments and establishing of new bylaws as well as City departments working collaboratively are neither outrageous, out of line or over the top but rather a tightening of the criteria and guidelines in relation to accessory buildings and structures as a proactive, preventative and practical measure to avoid future problems rather than waiting for a trend, as mentioned by City staff at the Planning and Development Committee meeting on November 27, 2023, and working from a reactive panic mode which in the long run will be costly to the City of Mississauga.

As the City of Mississauga moves towards eventually converting garages and perhaps large sheds into additional residential units this issue is going to become more apparent. Is the City willing to allow humans to live in such conditions with a clear conscience or are we going to take a stand, work together, call this issue out and focus on finding solutions as a City. Rushing to build and expedite processes at the expense of forfeiting our property standards and the health and safety of the public will be counterproductive and costly in more ways than one in the long run.

I thank you for your time and consideration regarding these further amendments and recommendations in relation to accessory buildings and structures. It is believed these changes strike a good balance and ensure a practical and beneficial solution for all and are worthy of consideration and approval.

Yours truly,
Susan Novack