

# City of Mississauga Department Comments

Date Finalized: 2024-01-24	File(s): A61.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-02-01 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a shed and gazebo proposing:

1. An accessory structure area (shed) of 12.805sq m (approx. 137.83sq 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;
2. An accessory structure area (gazebo) of 17.120sq m (approx. 184.28sq 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 shed height of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and,
4. A gazebo height of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 46 Oakwood Ave N

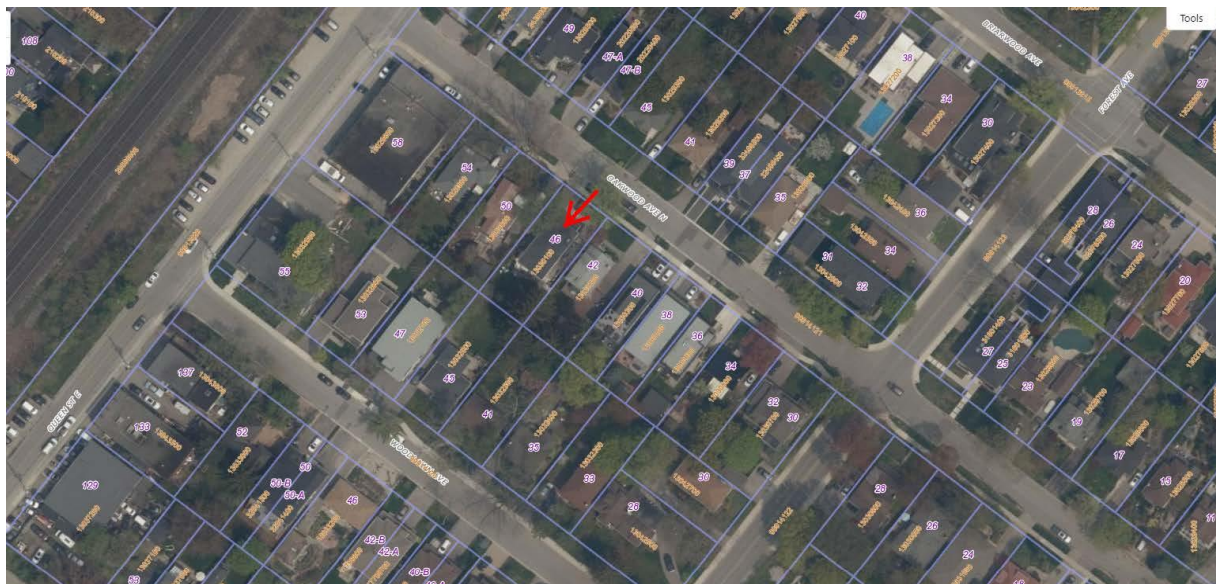
### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

**Zoning By-law 0225-2007****Zoning: RM7-5- Residential****Other Applications: None****Site and Area Context**

The subject property is located within the Port Credit Neighbourhood (East) Character Area, northeast of the Hurontario Street and Lakeshore Road East intersection. The immediate area consists of a mix of detached and semi-detached dwellings. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing accessory structures in the rear yard 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 are as follows:

The subject property is located in the Port Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

This designation permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. 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.

All of the requested variances relate to accessory structures on the subject property. 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 or overlook concerns to neighbouring lots. The applicant is proposing a gazebo and a shed. Staff note the total combined accessory structure area is 29.9m<sup>2</sup> (321.84 ft<sup>2</sup>). While the individual proposed areas exceed by-law regulations, the proposed areas are within the maximum permissible combined area of 30m<sup>2</sup> (322.91ft<sup>2</sup>). Further, the gazebo is open on two sides, limiting its massing. Both the proposed structures have a sloped roof, with the portion of the roof facing the neighbour, towards the rear lot line, measuring at 2.75m (9.02ft) for both the shed and the gazebo. As such, staff are satisfied the structures will not present to their full height to the neighbouring properties. Staff are of the opinion that the structures will not pose significant massing impacts to the abutting properties and are appropriately sized for the subject property. Furthermore no variances have been requested for setbacks, limiting the impacts to abutting properties.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of the two structures that are under construction. We ask that both structures be equipped with an eaves trough and downspout at the rear, and that it must be directed in such a manner to not impact the adjoining neighbour. Our Development Construction Section will be commenting through a future building permit application.







Comments Prepared by: John Salvino, Development Engineering Technologist

## **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: Minan Song, Planner in Training

## **Appendix 3 – Metrolinx**

**46 Oakwood Ave N - A61.24**

Metrolinx is in receipt of the Minor Variance application for 46 Oakwood Ave N to allow the construction of a new shed and gazebo in the rear yard. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

**Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner