

# City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A461.23
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. 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;
2. A setback to the hard surface area of 0.11m (approx. 0.36 ft) to the rear lot line whereas By-law 0225-2007, as amended, requires a setback to the hard surface of 0.61m (approx. 2.00 ft) to the rear lot line in this instance; and,
3. A setback to the hard surface area of 0.18m (approx. 0.59 ft) to the side lot line whereas By-law 0225-2007, as amended, requires a setback to the hard surface of 0.61m (approx. 2.00 ft) to the side lot line in this instance.

## Amendments

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 following amendment is required:

1. 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;
2. A setback to the hard surface area of 0.11m (approx. 0.36 ft) to the rear lot line whereas By-law 0225-2007, as amended, requires a setback to the hard surface of 0.61m (approx. 2.00 ft) to the rear lot line in this instance;
3. A setback to the hard surface area of 0.18m (approx. 0.59 ft) to the side lot line whereas By-law 0225-2007, as amended, requires a setback to the hard surface of 0.61m (approx. 2.00 ft) to the side lot line in this instance; and,

4. An accessory structure height of 4.07m (approx. 13.33 ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00sq m (approx. 9.84 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

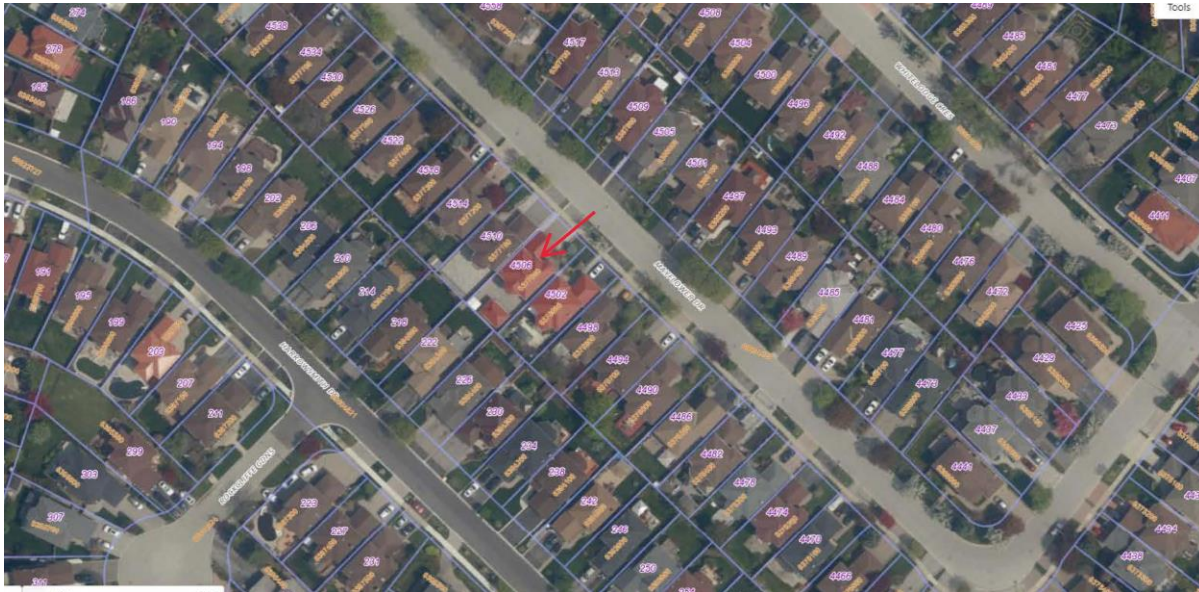
**Zoning:** R4-15- Residential

**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. Staff are of the opinion the variances maintain the general intent and purpose of the official plan.

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

Variance 1 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.

Variances 2 and 3 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. Staff note Transportation and Work's staff have not identified any drainage concerns.

Variance 4 requests an increase in accessory structure height. This application was previously deferred at the December 7<sup>th</sup>, 2023 Committee of Adjustment hearing date because of concerns regarding the height of the accessory structure. Following the hearing, staff met with the applicant to discuss revisions to the application. The revised drawings submitted depict a reduction in accessory structure height from 4.07m (13.35ft) to 3m (9.84ft). Staff note the zoning by-law permits an accessory structure height of 3m (9.84ft) on the subject property and therefore note the proposed height variance is no longer required.

Given the above, planning staff are of the opinion that the variances proposed maintain the general intent and purpose of the zoning by-law.

Staff also note that while Planning staff are not in a position to interpret the zoning by-law, an additional variance may be required for driveway width.

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

Staff are of the opinion that the variances represent appropriate development of the subject property. The request is minor in nature and will not have any additional impacts to abutting properties.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

In previous comments we had indicated that the accessory structure and the rear yard area had an excessive hard surface area and it was difficult to accurately determine the exact direction of any surface runoff as the rear yard appeared flat. We also had attached a copy of Grading Plan C-21031 and highlighted that the drainage for the subject lands (Lot 13) was designed to direct drainage from the rear yard to the abutting Lot 14 and then into a catch basin located at the rear of Lot 15.

From our recent site inspection and as depicted in one of the new photos submitted, the abutting Lot 14, although having constructed a hard surface area throughout the entire rear yard has left a gravel/drainage swale in the rear yard. This gravel/drainage swale we assume accommodates some of the drainage from the subject property in order that drainage could still be directed into the rear lot catch basin on Lot 15.

We also note from our recent site inspection and a discussion with the owner that the shed at the corner of the property has been removed and he intends is to modify some of the concrete where the shed existed to allow an additional area for the drainage to flow.

We do acknowledge that there was a concern expressed about the height of the structure at the previous Hearing, however we are not aware of any drainage related concerns expressed from any abutting neighbours and in this regard have no further concerns with the request.

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











## 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 following amendment is required:

1. 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;
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Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.



Comments Prepared by: Gary Gagnier; Zoning Examiner

**Appendix 3- Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner