

# City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): A372.23 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 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 the construction of a deck proposing:

1. A lot coverage of 46.36% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. An as built shed in the rear yard with a height of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, permits a maximum shed height of 3.00m (approx. 9.84ft) in this instance; and,
3. A shed area of 18.66sq m (approx. 200.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum area occupied by a shed on a lot of 10.00sq m (approx. 107.64sq ft) in this instance.

## Background

**Property Address:** 5951 Mersey St

### Mississauga Official Plan

Character Area: **East Credit Neighbourhood**  
Designation: **Residential Low Density II**

### Zoning By-law 0225-2007

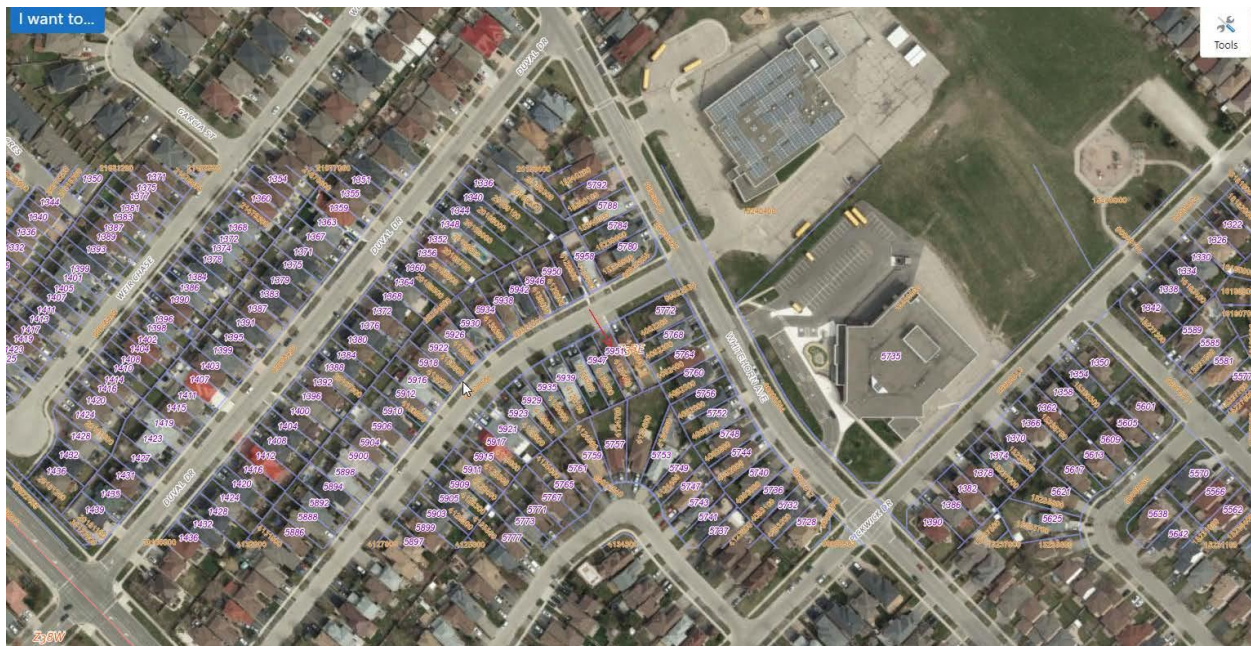
**Zoning:** **R5 - Residential**

## Other Applications: BP 23-7422

### Site and Area Context

The subject property is located south-east side of the Britannia Road West and Creditview Road intersection. It currently contains a detached dwelling with an attached garage. The property has a lot area of +/- 385.20m<sup>2</sup> (4,146.25ft<sup>2</sup>), characteristic of lots along Mersey Street. Limited vegetative and landscaping elements are present in both the front and rear yards. The surrounding area context is exclusively low density residential, consisting of detached dwellings.

The applicant is proposing to legalize an existing rear deck requiring variances for lot coverage, shed height and area.



## 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:

The subject property is located in the East Credit 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 proposed deck is appropriately sized for the subject property. Additionally, the proposed accessory structure is appropriately located to the rear of the property, separated from the public realm. The structure does not pose any significant impact to abutting properties due to its location and setback in the rear yard on the subject property. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

Variance 1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot and to limit massing impacts on abutting properties. Staff note the main dwelling accounts for 35% of the total lot coverage, and the deck accounts for 6.49%. The remaining 4.24% is attributed to an existing accessory structure. Planning staff are of the opinion that the proposed deck is appropriately located and sized for the subject property. The variance increase is marginal and within the intent of the zoning regulation.

Variance 2 relates to an increase in the accessory structure height. The intent of the height provision is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to the neighbouring lots. Staff note the height represents a small deviation from what is currently permitted as of right in the zoning by-law.

Variance 3 relates to the floor area of the accessory structure. 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 as the proposal. No additional variances for setbacks have been requested further mitigating 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.

Staff are of the opinion that the proposal will not have significant impacts on the neighbouring properties and represent appropriate development of the subject lands. As such, the variances meet the intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property, in particular the shed.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering







### **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application BP23-7422. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Brooke Herczeg, Zoning Examiner

### **Appendix 3 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner