

# City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A404.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 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, as amended, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

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

1. An accessory structure floor are of 22.90sq m (approx. 246.50sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor are of 15.00sq m (approx. 161.46sq ft) in this instance;
2. An accessory structure height of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance.

## Amendments

The Building Department is processing Building Permit application BP 9NEW 24-2267. Based on review of the information available in this application, Zoning staff advise that following amendment is required:

Revise Variance 1: An accessory structure floor of 22.90sq m whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor of **10.00sq m** in this instance;

## Background

**Property Address:** 40 Mississauga Rd N

**Mississauga Official Plan**

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

### Zoning By-law 0225-2007

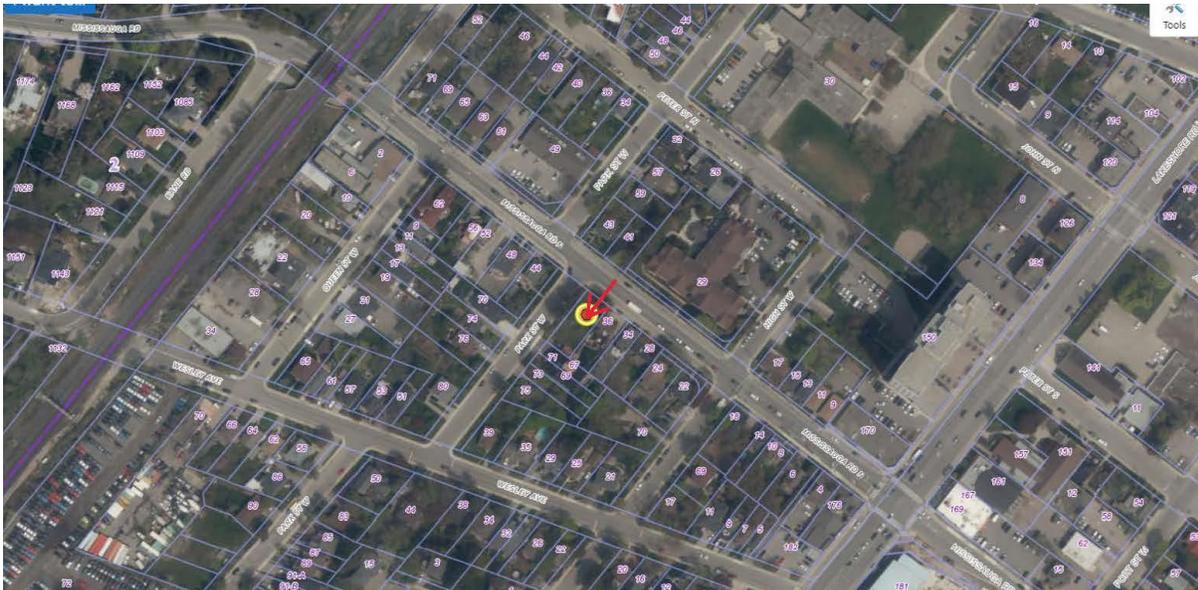
Zoning: RM7-5 - Residential

Other Applications: Building Permit application BP 9NEW 24-2267

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood (West) Character Area, northwest of Mississauga Road North and Lakeshore Road West intersection. The neighbourhood consists of a variety of uses, including residential, employment and mixed uses. The subject property contains an existing two-storey detached dwelling with limited vegetation in the front and exterior side yard.

The applicant is proposing to legalize an existing accessory structure requiring variances for 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:

The subject property is located in the Port Credit Neighbourhood West 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, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design and contains policies that requires development to be compatible with the immediate vicinity.

The proposed variances are required to legalize an accessory structure on the subject property. Variance #1, as amended, pertains to accessory structure area and Variance #2 pertains to its height. 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. Staff note that while the individual proposed area exceeds the by-law regulations, it is within the maximum permissible combined area of 30m<sup>2</sup> (322.91ft<sup>2</sup>) and that there are no other existing accessory structures on the property. Staff are satisfied that the proposed structure is clearly proportional and accessory to the lot and primary dwelling.

Staff are of the opinion that the proposed height represents a small deviation of 0.3m or 1 foot from what is currently permitted as of right in the zoning by-law and are satisfied of minimal massing impacts because of the variance request.

Furthermore, Zoning staff have vetted the application, and no variances are required for setbacks or coverage, limiting the impacts to abutting properties. As such, staff are of the opinion that the request variances are minor in nature and the accessory structure meets the intent of the zoning by-law with respect to height and area regulations.

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, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed please find pictures of the existing garage. We have no concerns provided that the garage be equipped with an eaves trough and down spout directed in such a manner to not impact the adjacent properties.

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed shed are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 24/2267.

Comments Prepared by: John Salvino, Development Engineering Technologist





## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 24-2267. Based on review of the information available in this application, we advise that following amendment is required:

Revise Variance 1: An accessory structure floor of 22.90sq m whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor of **10.00sq m** in this instance;

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. "[Enter zoning staff comments]"

Comments Prepared by: Minan Song, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

## Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 40 Mississauga Road North to approve a minor variance to allow an accessory structure proposing:

- An accessory structure floor of 22.90sq m (approx. 246.50sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor are of 15.00sq m (approx. 161.46sq ft) in this instance;
- An accessory structure height of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance.

As circulated on August 13th, 2024, and to be heard at Public Hearing on September 12th, 2024, at 3:30 PM. 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 Train service.

## GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised of the following:
  - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Should you have any questions or concerns, please contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com).

Comments Prepared by: Jenna Auger, Third Party Project Review

## Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner