

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-10-30	File(s): A509.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/7/2024 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 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 an accessory structure proposing:

1. An accessory structure area of 70.00sq m (approx. 753.48sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
2. An accessory structure height of 4.20m (approx. 13.78ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 3546 South Common Crt

Mississauga Official Plan

Character Area: South Common Community Node
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM4-57 - Residential

Other Applications: Building Permit application BP 9SMAL 24-3434

Site and Area Context

The subject property is located within the South Common Community Node Character Area, west of Erin Mills Parkway and south of Burnhamthorpe Road West. The immediate area consists of two-storey row housing north of Burnhamthorpe Road West. South Common Community Centre abuts the subject property to the south. The subject property currently contains Erin Mills Middle School.

The application proposes an 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 are as follows:

The subject property is located in the South Common Community Node Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). Community Infrastructure which includes public schools, is permitted in all designations.

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and clearly accessory to the primary use of the lot, while not presenting any massing concerns to neighbouring properties. Variance #1 pertains to the floor area of the accessory structure and Variance #2 pertains to height. Staff recognise that these regulations are specific to residential dwellings with lot area greater than or equal to 750m² (8072.93ft²). Staff are cognizant that the proposed accessory structure is for a school, with a lot area of 37515.69m² (403815.52ft²), which can accommodate bigger accessory structures in this instance. Further, while the proposed accessory structure is notably larger than a single accessory structure permitted on this property, the lack of walls surrounding the structure reduces its massing impact.

Staff also 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. The proposed accessory structure is appropriately located on the property, separated from the public realm. The structure does not pose any significant impact to the abutting properties due to its location and size. 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.

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

This Department has no objections, comments or requirements with respect to C.A. 'A' 509.24.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9SMAL 24-3434. 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: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands abutting property are owned by the City of Mississauga, identified as South Common (P-151).

The Parks and Culture Planning Section acknowledges that the City has entered a Joint Use and License Agreement with the Peel District School Board to supply, install and maintain the shade structure and has no further comments.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner