

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A548.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred.

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 floor area of 27.80sq m (approx. 299.24sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00sq m (approx. 107.64sq ft) in this instance;
2. A side yard setback of 0.29m (approx. 0.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. An accessory structure height of 3.13m (approx. 10.27ft) 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: 408 Crewenan Rd

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

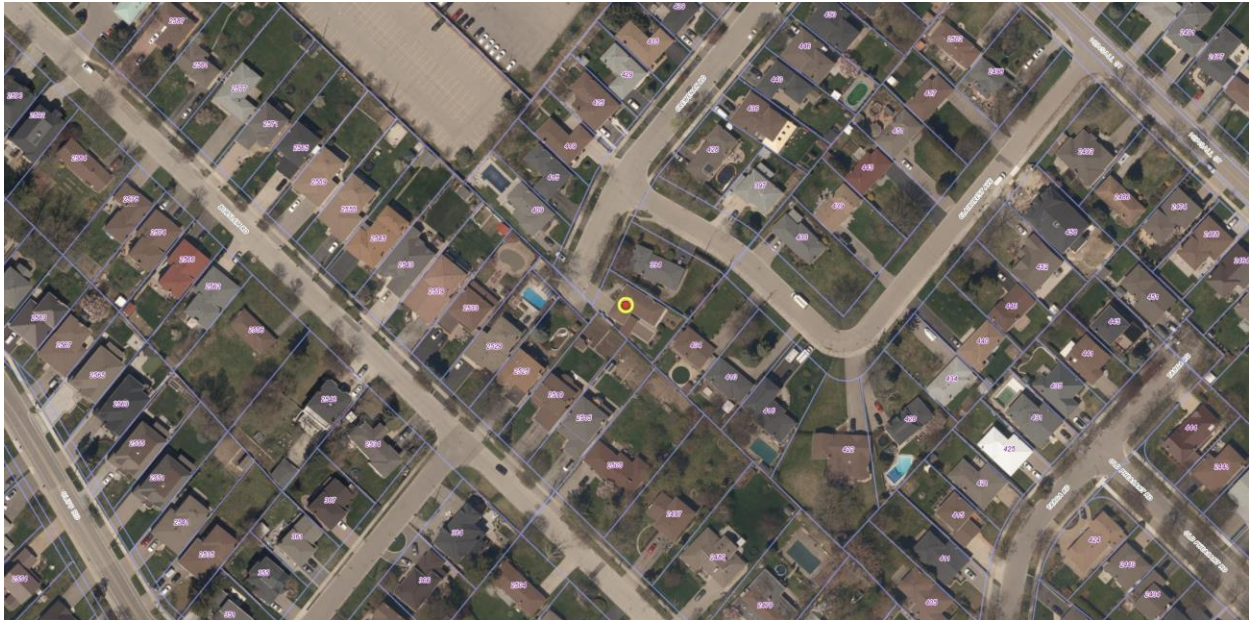
Zoning: R3 - Residential

Other Applications: Building Permit 24-1554

Site and Area Context

The subject property is located south-west of the Dundas Street and Cawthra Road intersection in the Cooksville Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is mostly residential, consisting of detached dwellings on similarly sized lots. Additionally, commercial uses are located to the north of the subject property along Dundas Street East.

The applicant is proposing to legalize the existing accessory structure requiring variances for the gross floor area, side yard setback 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

Staff note there are potential concerns that the existing accessory structure may have been constructed over the potential limits of an existing hydro easement. As noted in Transportation and Work's staff comments, staff request the applicant confirms with Alectra Utilities that there are no concerns with the structure regarding its location and the existing overhead wires. As such, Planning staff recommend the application be deferred to allow the applicant the opportunity to confirm whether Alectra has any issues with location of the structure, potential access easement for hydro and the existing overhead hydro wires.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's ease of reference are photos depicting the subject property. This Department has concerns with the constructed accessory structure which must be addressed prior to this application proceeding.

From our site inspection and evident from the enclosed photos, we note that there is an existing hydro service line traversing above the accessory structure, typically this would not be a concern; however, in this instance the hydro service line is in very close proximity to the accessory structure, hence, being potentially dangerous. This Department is uncertain if any approvals were granted by Alectra Utilities pertaining to the constructed accessory structure.

We have reviewed our records and were unable to confirm if an easement exists pertaining to the hydro service. We do note that when this Plan of Subdivision was constructed in the early 1970's, and Registered Plan 926 does make reference to a "4.00 Easement" across the westerly limits of Lot #13 (subject lands). We believe that this is a hydro easement as it also extends across the rear of the property at the same location that the existing hydro service exists. We also note that when the adjacent lots to the west fronting onto Burslem Road were created in 1982, Registered Plan 43R-9941 provided with that application also indicated a hatched area (with no description) which we also believe would have been a hydro easement. In view of the above we believe that the accessory structure has been constructed within the limits of an existing hydro easement.

To address the above, including potential encroachment into an existing hydro easement, we request that the applicant provide written confirmation from Alectra Utilities that they have no concerns with the location of the constructed accessory structure and its proximity to the hydro service line.

With regards to any grading and drainage concerns we are advising that our Development Construction Section will address any grading and drainage concerns through the current BP 9ALT 25-1554 application being processed. The Lot Grading Plan approved for this property (Plan C-11535) depicts a front to rear drainage pattern where drainage was designed be directed to the neighbouring lot to the rear which fronts onto Claircrest Avenue.

This Department can not support the requested variance for the constructed accessory structure in its current location until such time that confirmation be provided by Alectra Utilities indicating support for the request, or alternatively indicate what modifications would be required.











Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit 24-1554. Based on the review of the information available in this application, the requested variance(s) is/are correct.

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: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner