

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-01-17	File(s): A457.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/23/2025 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be refused.

## Application Details

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

1. A side yard setback of 0.00m to the paving on the east side whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61m (approx. 2.00ft) in this instance;
2. A side yard setback of 0.23m (approx. 0.75ft) to the paving on the west side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
3. A rear yard setback of 0.38m (approx. 1.25ft) to the ice machine whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance;
4. A side yard setback of 0.31m (approx. 1.02ft) to the ice machine whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance;
5. An accessory structure area of 158.36sq.m (approx. 1,704.57sq.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;
6. A combined lot coverage of all accessory structures of 21.01% whereas By-law 0225-2007, as amended, permits a combined lot coverage of all accessory structures of 5.00% in this instance;
7. A combined area of accessory structures of 168.12sq.m (approx. 1,809.63sq.ft) whereas By-law 0225-2007, as amended, permits a combined area of accessory structures of 60.00sq.m (approx. 645.84sq.ft) in this instance;
8. A side yard setback of 0.00m to the accessory structure on the east side whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61m (approx. 2.00ft) in this instance; and

9. A side yard setback of 0.23m (approx. 0.75ft) to accessory structure on the west side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address: 2113 Pear Tree Road**

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

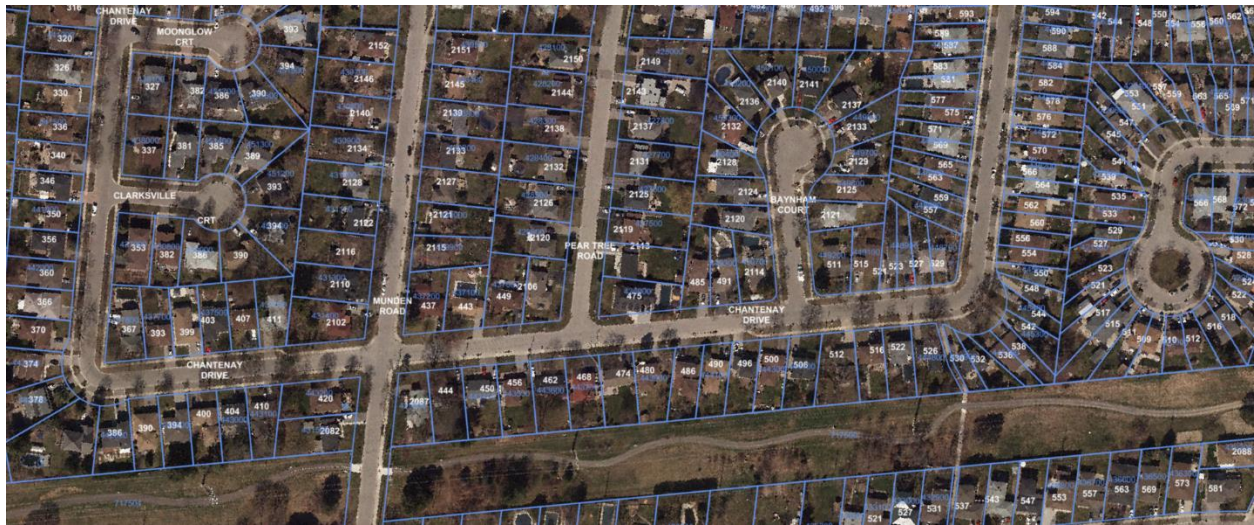
**Zoning: R3 - Residential**

**Other Applications: PREAPP 21-7138**

### Site and Area Context

The subject property is located north-west of the Cawthra Road and Queen Elizabeth Way interchange in the Cooksville Neighbourhood Character Area. Currently, the property contains a detached dwelling with an attached garage. The surrounding context is exclusively residential, with a mix of detached and semi-detached dwellings. Limited vegetation and landscaping elements are present in both the front and rear yards.

The applicant is proposing to legalize an accessory structure (outdoor rink with a roof structure) requiring variances for setbacks, area, and lot coverage.



## 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:

Planning staff note the applicant requested deferral of the application on November 11<sup>th</sup>, 2021 to address staff comments at that time. Staff note the proposal remains unchanged from the original submission. Additionally, staff note the drawings submitted do not correspond to existing conditions on the subject property. The drawings depict the primary dwelling on the subject property as being one-storey, whereas the dwelling is two-storey.

### Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Cooksville Neighbourhood 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 and triplex dwellings, as well as other low-rise dwellings with individual frontages. Section 9 of 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 accessory structure is significant in size and out of character with the surrounding area. It represents significant coverage of the subject property and is oversized for the lot. The request therefore does not maintain the general intent and purpose of the official plan.

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

Variances 1, 2, 3, 4, 8 & 9 request reduced side yards on the subject property for the accessory structure, the ice machine, and the surrounding paving. These setbacks range from 0 metres to 0.38 metres where the by-law requires 0.61 metres. There is at least one variance request for each of the side yard and rear yard regulations. The intent of side yard provisions are to ensure that: there is an appropriate buffer between structures on properties, maintenance can be performed on the structures, and adequate drainage can be provided. While certain reduced setbacks may be supportable, when considered altogether the requests create an inappropriate rear yard configuration and create concerns surrounding drainage on the subject property.

Variances 5 through 7 request an increase in accessory structure area, an increase in lot coverage for accessory structures, and an increased combined accessory structure area respectively. 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. Despite the accessory structure being predominantly open, the sheer size of the structure creates massing concerns. It significantly exceeds the permitted lot coverage for accessory structures and is not proportional to the size of the lot or the dwelling, especially when considering that the coverage of the proposed structure exceeds that of the existing dwelling on the property. Staff further note that the proposed lot coverage and gross floor area of the existing structure in the rear yard is not consistent with any sites in the immediate neighbourhood.

Staff are therefore of the opinion that the application fails to maintain the general intent and purpose of the zoning by-law.

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

Staff are of the opinion that the request is not minor in nature. It represents significant deviations from the by-law that are not envisioned for the area and is not appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that this request is similar to the request brought forward to the November 11, 2021, Committee of Adjustment Hearing which has had no resolution and/or decision to date. From a recent site inspection of the property and as evident in the attached photos the accessory structures remain.

Further to the November 11, 2021, Committee of Adjustment Hearing, we note that a building permit application was processed for 2113 Pear Tree Road. The current application number is BP 9ALT 23-5634 (which was a revision to BP 9ALT 22-3835). In the current application the applicant applied for alterations within all floors, front and rear exterior, a new flat roof and covered second floor balcony.

From a review of our records, we note that under the previous BP 9ALT 22-3835, a Grading Plan (Sheet A1.0 prepared by BN Engineering Design Inc.) was provided which made reference to the accessory structures (SEASONAL HOCKEY RINK WITH REMOVABLE BOARDS AND ROOF TRELLIS 48"x48" GRID). On the submitted Grading Plan there were two soak away pits illustrated, one next to the existing shed on the east side of the rink and the other being between the rink and dwelling. From our site inspection we cannot confirm if the proposed soak away pits have been installed as the area in which they were to be installed was covered with artificial grass. It should also be noted that the Grading Plan stamped by the Planning and Building Department dated November 15, 2022, was for Permit BP 9ALT 22-3835, not the more recent BP 9ALT 23-5634.

As previously indicated in our comments submitted for the November 11, 2021, Committee of Adjustment Hearing, we would require additional detailed grading and drainage information to adequately address any drainage related concerns. The applicant has provided a Site Plan (A2, by Ultimate Building Design, revised November 22, 2024), which only provides a few existing grades around the perimeter of the rink. Additional information is to be provided which is to depict how any drainage from the existing rink and general surrounding area will be accommodated.





















Comments Prepared by: Tony Iacobucci, Development Engineering

## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 21-7138. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/27/21 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack; Zoning



## 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician