

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-23	File(s): A603.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/30/2025 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 an accessory structure proposing:

1. An combined occupied area for all accessory buildings and structures of 34.86sq.m (approx. 375.23sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined occupied area for all accessory buildings and structures of 30.00sq.m (approx. 322.92sq.ft) in this instance;
2. A height of 4.33m (approx. 14.21ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance;
3. A rear yard measured to a roof overhang of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a roof overhang of 0.61m (approx. 2.00ft) in this instance;
4. An area of 18.58sq.m (approx. 199.99sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
5. A lot coverage of 41.82% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance.

Background

Property Address: 3703 Broomhill Cres

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

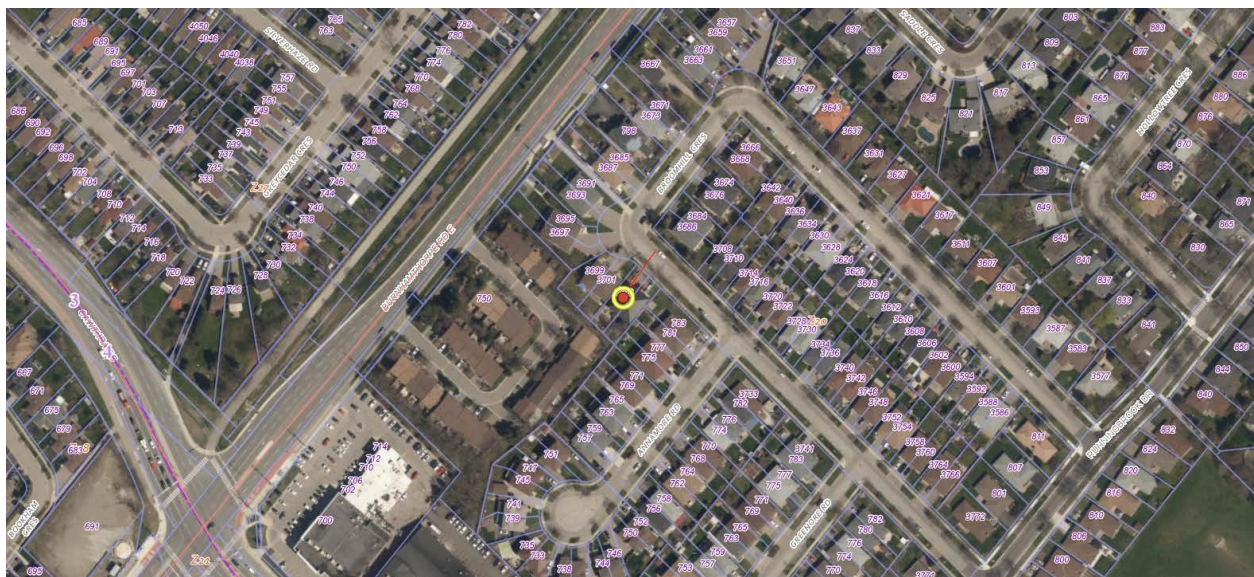
Zoning: RM1 - Residential

Other Applications: BP 9ALT 24-212

Site and Area Context

The subject property is located north-east of the Burnhamthorpe Road East and Cawthra Road intersection in the Applewood Neighbourhood Character Area. It has an approximate lot frontage of +/- 8.33m (30ft) and a lot area of +/- 360.44m² (1,191.06ft²). Currently the property contains a two-storey semi-detached dwelling with an attached garage. The lot features limited vegetative and landscaping elements in both the front and rear yard. The surrounding area context is predominantly residential consisting of semi-detached dwellings on similarly sized lots, and townhouse dwellings located to the rear of the property.

The applicant is proposing to construct an accessory structure requiring variances for accessory structure combined area, accessory structure area and height, rear yard setback to the eaves 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:

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

The subject property is located within the Applewood Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. 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.

Despite the size of the accessory structure, it is not out of character with the surrounding area and is appropriately located on the subject property. Staff note the accessory structure will remain subordinate to the primary dwelling on the site and has regard for the overall distribution of massing on the property as a whole. Given this, staff are of the opinion the accessory structure will not pose any significant impacts to the abutting properties and maintains the general intent and purpose of the official plan.

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

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 are clearly accessory while not presenting any massing concerns to neighbouring lots.

Variances #1 and 4 relate to the area of the accessory structure individually as well as total combined area for all accessory structures on the subject property. Staff note there are currently two accessory structures on the property, an existing gazebo and a proposed shed, which have triggered the proposed variances.

Variance 1 pertains to the combined area of the accessory structure, which exceeds the maximum permissions in the by-law by 4.86m² (52.31ft²). The combined area of the proposed accessory structures have an approximate area of 34.86 m², of which 12.64 m² (136.05ft²) is the result of the roof overhang on the shed. The roof overhang will contribute to limited massing impacts on the subject site and abutting properties. 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. As a result, staff view this variance to be technical in nature.

Variance 4 is solely related to the area of the proposed shed on the subject property. The shed area significantly exceeds the maximum area permitted for an individual accessory structure. Staff note that the by-law also permits a total combined accessory structure area of 30.00m² (322.91ft²). While the application is seeking a total combined accessory structure area of 34.86m², the footprint of the structures accounts for only 22.22 m², which is within the acceptable combined accessory structure area limits. The massing impacts of the single structure would be less than three structures meeting by-law placed side by side. Therefore, staff are of the opinion that the proposed structure is clearly proportional and accessory to the lot and primary dwelling and will have no significant massing impacts on the surrounding properties.

Variance #2 relates to an increase in the accessory structure height. The intent of restricting height is to lessen the visual massing of accessory structures and ensuring the structures are proportional to the lot and dwelling. The proposed height of 4.33m (ft) for the accessory structure is due to the peaked roof design. Staff note that the shed backs on to the side yard of an existing townhouse dwelling, who's side yard setback significantly exceeds minimum regulations. This increased distance helps to thereby minimizing any potential impact. It is also worth noting that that the sloped roof design also helps to minimize the overall massing of the structure and its potential impact on the abutting properties. Staff are of the opinion that this variance represents a small deviation from what is currently permitted as of right in the zoning by-law and maintains the general intent and purpose of the zoning by-law.

Variance #3 request reductions in setbacks to the rear yard to the accessory structure. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained. Staff note the variance sought in this case is a result of the eaves of the shed projecting into the rear yard setback. Due to the positioning of the structure in the rear yard, the reduced setback is measured to a single pinch point in the north-west corner and increases as the moves away from the corner bringing the majority of the structure into compliance. As a result, Planning staff are of the opinion that there is sufficient space between the rear lot line and structure to maintain the structure.

Transportation & Works staff have not raised any drainage related concerns.

Variance #5 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot that would impact the streetscape and abutting properties. Staff note the existing dwelling, balcony, front porch and gazebo account for 36.67% of the lot coverage. The proposed accessory structure accounts for an additional 8.66%, bringing the total proposed lot coverage to 45.33%. Almost half of the lot coverage (3.51%) resulting from the accessory structure is from the overhang which has no measurable massing impact on the property or abutting properties. Staff are therefore of the opinion the proposed accessory structure does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

It is important to note that there is a discrepancy between the application and submitted plans regarding the required lot coverage. At this time, Zoning staff have said that they need more information to confirm the requested variance. It is recommended that the applicant consult with Zoning staff to confirm the require variances.

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

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

That said, staff recommend that this application be deferred to provide the applicant with the opportunity to consult with Zoning staff and confirm the required variances.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of the property, we note that we do not foresee any drainage related concerns with the accessory structure provided that the existing drainage pattern be maintained. We note that the rear yard slopes towards the rear where drainage is directed towards an existing catch basin located on the abutting townhouse development located at 750 Burnhamthorpe Road East.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-212. 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. Full Zoning Review has not been complete and Lot Coverage Minor Variance has not been confirmed.

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

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