

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2020-12-09 | File(s): A398/20 Ward: 9 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date: 2020-12-17 |

Consolidated Recommendation

The City recommends that the application be deferred to permit the Applicant the opportunity to provide additional information.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a gazebo on the subject property proposing a floor area of 21.75sq.m (approx. 234.12sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00sqm (approx. 107.64sq.ft) in this instance.

Background

Property Address: 5851 Cornell Crescent

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

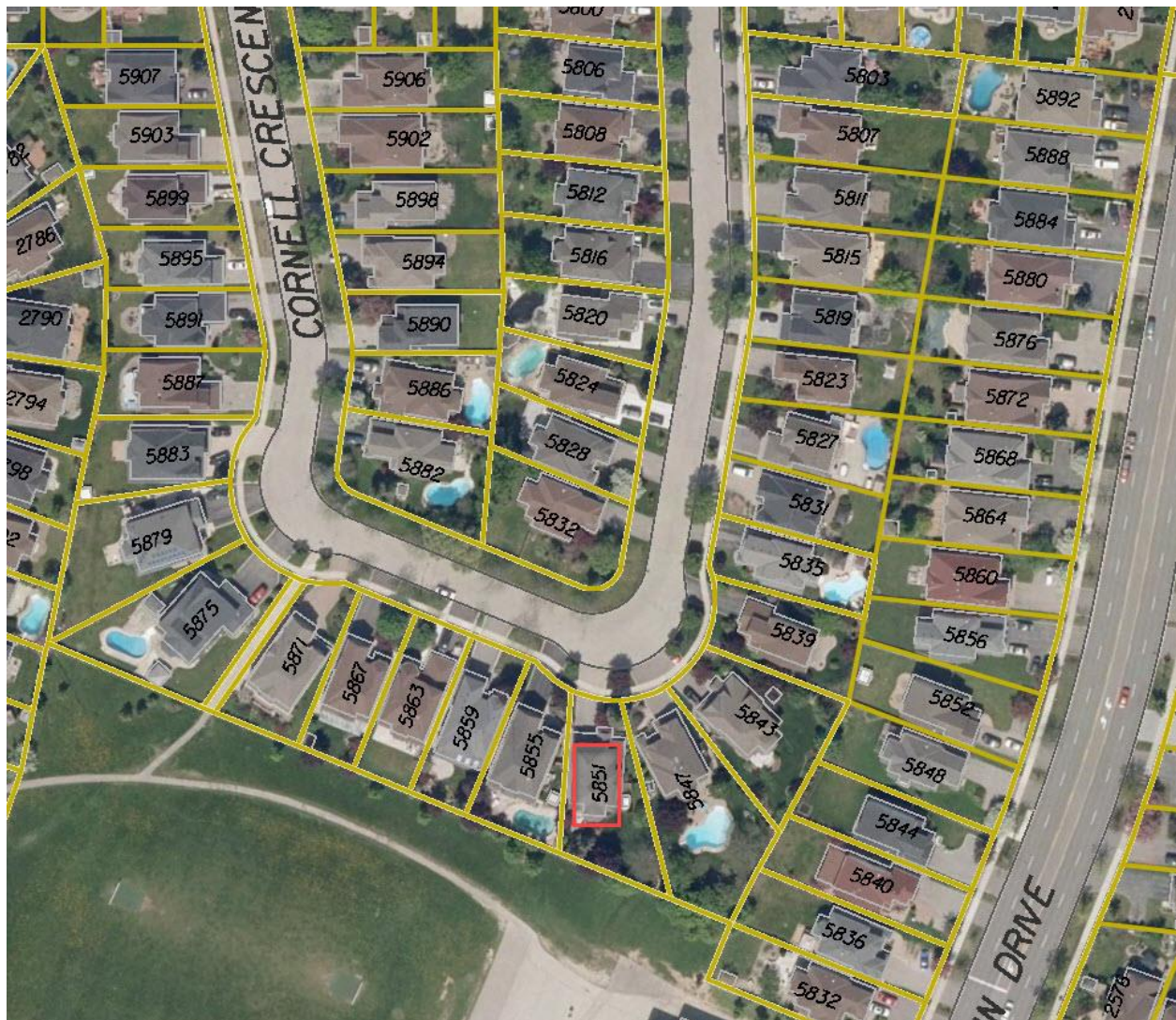
Zoning By-law 0225-2007

Zoning: R4 (Residential)

Other Applications:
BPA 20-3050

Site and Area Context

The subject property is an exterior parcel, with a lot area of +/- 739.88m² and a lot frontage of +/- 23.0m.



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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex dwellings and triplexes. 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 located in the rear of the property and cannot be seen from the street. The structure is compatible with the surrounding area and does not pose significant impact to the abutting property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The intent of the zoning by-law is to ensure that structures are proportional to the lot and dwelling and remain secondary to the principle use while not presenting any massing concerns. Accessory structures contribute to the overall lot coverage of the property and should not impose upon the principle structure. While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff echo Zoning's comments and note that more information is required to verify the accuracy of the requested variances, and in order to determine whether additional variance(s) will be required. Planning staff note that until this additional information is provided, staff is unsure if this proposal meets 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 is of the opinion that more information is required to determine impacts to the neighbouring property and whether the cumulative area of the accessory structures is minor in nature. Based on the preceding information this application should be deferred.

Conclusion

The City recommends that the application be deferred to permit the Applicant the opportunity to submit the requested information.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to allow for the construction of a gazebo on the subject property. From our site inspection we advise that we do not foresee any drainage related concerns with the proposed gazebo.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 20-3050. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on October 14, 2020 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: Brandon Eidner, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 17th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-321/20

Consent Application: B-70/20

Minor Variance Applications: A-398/20, A-413/20, A-415/20

Comments Prepared by: Diana Guida, Junior Planner