



## COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

FERNANDA LEAL

on Thursday March 8, 2012

Fernanda Leal is the owner of Part of Lot 10, Registered Plan E-20, located and known as 2122 Gordon Drive, zoned R1-6, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a gazebo attached to an accessory structure within the rear yard of the subject property proposing:

1. a height of 4.63 m (15.19 ft) for the accessory structure and gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.68 ft) for an accessory structure and gazebo in this instance; and,
2. an accessory structure floor area of 39.10 m<sup>2</sup> (420.88 sq.ft.) and a gazebo floor area of 52.80 m<sup>2</sup> (568.35 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq.ft.) for an accessory structure and gazebo individually in this instance.

On February 16, 2012, Mr. P. Lowe, authorized agent, attended and requested that the subject application be deferred. He noted that staff required additional information with respect to the grading of the property in order to confirm the height of the dwelling.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (February 15, 2012):

### 1.0 RECOMMENDATION

The Planning and Building Department has no objections to the requested variances. However, the applicant may wish to defer the application to allow for the opportunity to provide the requested information, in order to ensure that all required variances have been accurately identified.

### 2.0 BACKGROUND

#### **Mississauga Plan**

*Planning District:* **Cooksville**  
*Designation:* **Residential Low Density I, Special Site #11**

#### **New Mississauga Official Plan**

*Character Area:* **Cooksville Neighbourhood**  
*Designation:* **Residential Low Density I, Special Site #4**

#### **Zoning By-law 0225-2007**

*Zoning:* **"R1-6", Residential**

### 3.0 OTHER APPLICATIONS

- |                                     |                        |                                   |
|-------------------------------------|------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | <i>Site Plan</i>       | File: SP 11/200 W7 – Satisfactory |
| <input checked="" type="checkbox"/> | <i>Building Permit</i> | File: BP 02/4103                  |

### 4.0 COMMENTS

Based on the review of the Building Permit and Site Plan applications, we note that additional information has been requested regarding the height of the accessory structure and gazebo above established grade. Until supporting calculations have been submitted for review, we are unable to verify the accuracy of variance request #1.

Based on recent photographs of the constructed gazebo and attached accessory structure, it appears that this structure is proportional to both the size of the dwelling and the size of the lot. Based on the review of the approved Site Plan application for the dwelling (SPI 02/207 W7), we can confirm that no trees were removed to accommodate the gazebo and attached accessory structure. Further, there appears to be mature vegetation along the east side yard which helps screen the structure, however, this screening is located on the abutting properties. The applicant should provide additional landscaping in the vicinity of the structure to further screen it from the abutting properties."

The City of Mississauga Transportation and Works Department commented as follows (February 9, 2012):

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements with regards to the construction of the accessory structure will be addressed through the Building Permit process."

A letter was received from S. Giraud, President and D. Stewart, Vice-President of the Gordon Woods Homeowner's Association, expressing their objection to the requested variances.

A letter was received from T. Charron & E. Power, residents of 2140 Gordon Drive, requesting that the Committee refuse the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the subject application to March 8, 2012.

On March 8, 2012, Mr. P. Lowe, authorized agent, attended and presented the subject application to permit the construction of a gazebo attached to an accessory structure in the rear yard. Mr. Lowe advised the Committee that he had submitted revised plans to Planning staff to address the concerns raised in their previous comments. He noted that he wished to amend the requested variance with respect to the height of the structure.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (March 2, 2012):

### "1.0 RECOMMENDATION

The Planning and Building Department has no objections to the requested variances, as amended.

### 2.0 BACKGROUND

#### **Mississauga Plan**

<i>Planning District:</i>	<b>Cooksville</b>
<i>Designation:</i>	<b>Residential Low Density I, Special Site #11</b>

#### **New Mississauga Official Plan**

*Character Area:* **Cooksville Neighbourhood**  
*Designation:* **Residential Low Density I, Special Site #4**

**Zoning By-law 0225-2007**

*Zoning:* **"R1-6", Residential**

3.0 OTHER APPLICATIONS

*Site Plan* File: SP 11/200 W7 – Satisfactory  
 *Building Permit* File: BP 02/4103

4.0 COMMENTS

Based on the review of the revised information submitted to the Building Permit and Site Plan applications, we note that it appears variance request #1 should be amended to indicate that the height of the gazebo and attached accessory structure is 4.48 m (14.69 ft).

Based on recent photographs of the constructed gazebo and attached accessory structure, it appears that this structure is proportional to both the size of the dwelling and the size of the lot. Based on the review of the approved Site Plan application for the dwelling (SPI 02/207 W7), we can confirm that no trees were removed to accommodate the gazebo and attached accessory structure. Further, there appears to be mature vegetation along the eastern side property line which helps screen the structure; however, this screening is located on the abutting properties. The applicant should consider providing additional landscaping in the vicinity of the structure to further screen it from the abutting properties."

The City of Mississauga Transportation and Works Department commented as follows (February 29, 2012):

"Please refer to our comments submitted for the February 16, 2012 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

Mr. Lowe upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. Lowe and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a gazebo attached to an accessory structure within the rear yard of the subject property proposing:

1. a height of 4.48 m (14.69 ft) for the accessory structure and gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.68 ft) for an accessory structure and gazebo in this instance; and,
2. an accessory structure floor area of 39.10 m<sup>2</sup> (420.88 sq.ft.) and a gazebo floor area of 52.80 m<sup>2</sup> (568.35 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq.ft.) for an accessory structure and gazebo individually in this instance.

MOVED BY: L. Dahonick      SECONDED BY: J. Thomas      CARRIED


Application Approved, as amended.

Dated at the City of Mississauga on March 15, 2012.

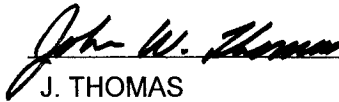
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **APRIL 4, 2012**.


Date of mailing is March 19, 2012.

  
S. PATRIZIO


  
D. GEORGE

  
R. BENNETT (CHAIR)

  
J. THOMAS

  
D. KENNEDY

  
L. DAHONICK

  
J. ROBINSON

I certify this to be a true copy of the Committee's decision given on March 15, 2012.

  
DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.