

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A352.20 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

### Consolidated Recommendation

The City recommends that variances #1-4 be refused, however, have no objections to variance #5. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

### Application Details

The applicants request the Committee to approve a minor variance to allow the existing decks and shed to remain on the subject property proposing:

1. An easterly side yard to the cedar deck of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance;
2. A rear yard to the deck of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.50m (approx. 4.92ft) in this instance;
3. A westerly side yard to the deck of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance;
4. An easterly side yard to the stone patio of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance; and
5. An easterly side yard to the back deck of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance.

### Recommended Conditions and Terms

Should Committee see merit in the application, staff recommends the following condition:  
The applicant remove the wooden skirting on the deck below the shed to allow for appropriate drainage

## Background

**Property Address:** 4100 Pheasant Run

### Mississauga Official Plan

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

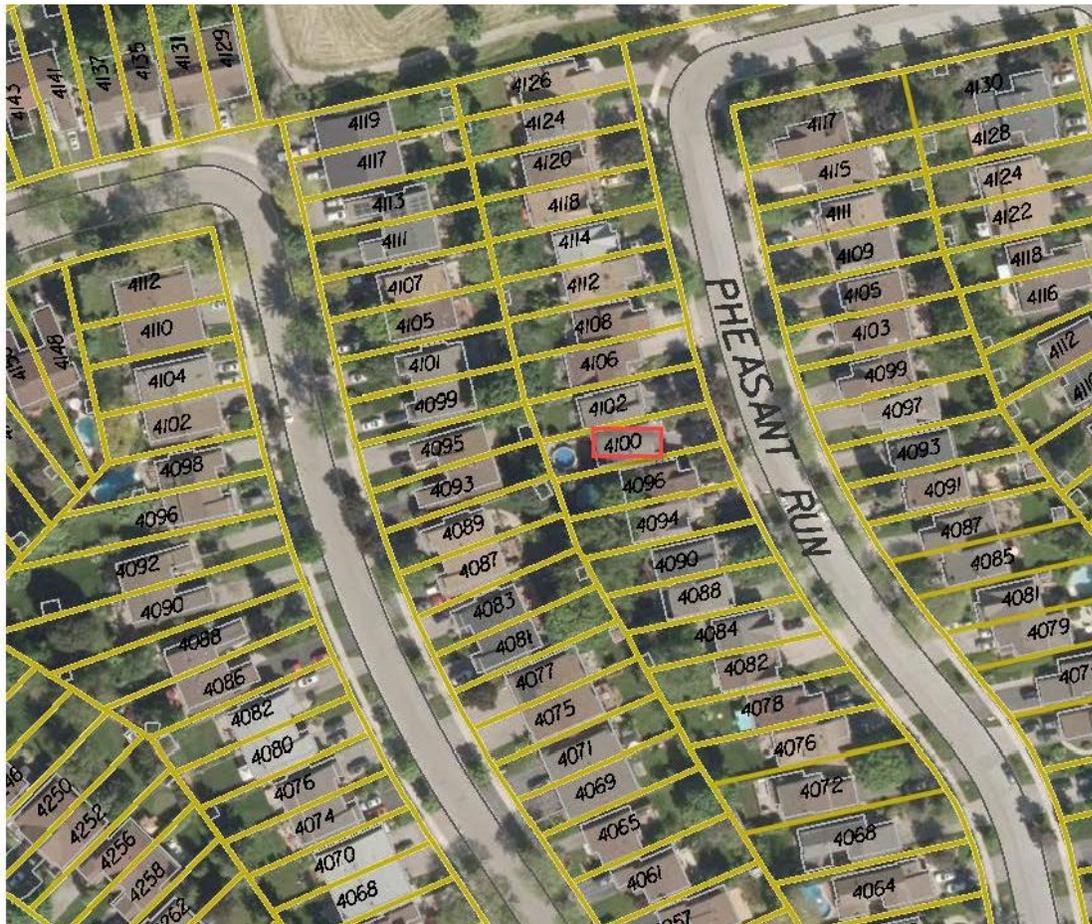
### Zoning By-law 0225-2007

**Zoning:** RM1 (Residential)

### Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of Burnhamthorpe Road West and Winston Churchill Boulevard. The neighbourhood is entirely residential consisting of semi-detached dwellings with mature vegetation. The subject property contains an existing two storey semi-detached dwelling. The applicant is requesting to allow the existing deck and shed to remain in the rear yard, proposing deficient setbacks measured to both the deck and shed.

The application was previously deferred from the November 5<sup>th</sup>, 2020 Committee of Adjustment hearing to address drainage related concerns.



## 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 and duplex, triplex and other forms of 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. Generally, staff recommends a setback of at least 0.30 m to allow for sufficient drainage should

revisions to the grading on the subject property be required in the future. In this instance, variances #1-4 propose setbacks less than 0.30 m, as such, staff is of the opinion that variances #1-4 do not maintain the general intent and purpose of the official plan.

It should be noted that since the deferral, a more in depth review was conducted by the Transportation and Works Department and they have no concerns, subject to the vertical skirt boards surrounding the accessory structure located at the rear corner of the property being removed.

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

Variances #1-4 propose deficient setbacks measured to the deck and stone patio from each lot line. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties to allow for appropriate drainage. The proposed setbacks do not meet the minimum 0.30 m setback generally recommended by staff to accommodate the drainage needs on the property should any revisions have to be made regarding the grading in the future. As such, staff is of the opinion that these variances do not maintain the general intent and purpose of the by-law.

Variance #5 proposes a setback measured to a shed of 0.40 m whereas a minimum of 0.60 m is required. The intent of the zoning by-law is to ensure that the structures maintain an appropriate buffer to abutting properties to minimize any massing impacts. The proposed structure is sufficiently setback from the neighbouring property and does not pose any unacceptable adverse impact from what the by-law permits. Staff is of the opinion that the variance maintains the general intent and purpose of the by-law.

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

A proposed setback of less than 0.30 m to the deck and stone patio is generally not supported by staff should a drainage swale be required in the future. That said, it is noted that the Transportation and Works Department do not have any concerns regarding property drainage with the removal of the skirt boards around the accessory structure. However, as the 0.30 m guideline is not being maintained, staff is of the opinion that variances #1-4 do not represent orderly development of the lands and are not minor in nature.

## **Conclusion**

The Planning and Building Department recommends that variances #1-4 be refused, however, have no objections to variance #5. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Further to the previous meeting, this Department has had further discussions with the applicant and additional information has been provided including additional photos of the subject property. In addition, our Development Construction Section has had an opportunity to review the site based on a pool enclosure permit application. In consultation with the Development Construction Section, we noted that a wooden skirting has been placed on the deck below the existing shed structure as noted in the attached photo. As this appears to be the only impediment to the natural drainage pattern for the subject property, we are requesting that the skirting be removed to allow for a natural drainage flow from the rear of the property.

Should Committee see merit in the request, we ask that as a condition of approval, the applicant remove the 1"x6" wood skirting boards that are located at the underside of the existing shed that could potentially restrict the drainage pattern of the rear yards in the surrounding areas.





Comments Prepared by: John Salvino, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### **Appendix 5 – Region of Peel Comments**

We have no comments or objections to the following applications:

Deferred Application: DEF-A-352/20.

Comments Prepared by: Diana Guida, Junior Planner