

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-05	File(s): A238.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-13 1:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a side yard setback measured to hard landscaping of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback measured to hard landscaping of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 1064 Greaves Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

### Other Applications

Building Permit: 18-1449

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood is primarily residential, consisting of one and two storey detached dwellings with little mature vegetation. Further south of the subject property is a mid-rise apartment dwelling and commercial uses which front onto Lakeshore Road East. The subject property contains an existing one and half storey dwelling with a detached garage located in the exterior side yard facing Gardner Avenue.

The application proposes a side yard measured to hard landscaping of 0 m whereas 1.20 m is required.



## 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, triplex and other forms of low rise dwellings with individual frontages. Section 9.5.2.11(a) (Site Development) of MOP, states that sites will be required to incorporate stormwater best management practices. The application proposes a deficient side yard measured to a concrete slab of 0 m which can negatively impact the abutting property regarding drainage. Furthermore, the rear yard already contains significant hard surfacing which may have an impact on the subject property's ability to efficiently drain runoff water on-site. Staff is of the opinion that the application does not meet 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 this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties and that it is large enough to mitigate any potential drainage concerns. The proposed 0 m setback does not provide a sufficient buffer between the abutting property nor does it provide sufficient land to address drainage concerns should any arise in the future. A minimum width of 0.30 m would be required to accommodate a swale should one be required. As such, staff is of the opinion that the intent of the zoning by-law is not maintained.

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

The subject property contains little soft landscaping which may impact the ability of the property to efficiently accommodate drainage on-site and mitigate any impact to the neighbouring property. Staff generally recommends a 0.30 m setback to accommodate swale should one be required in the future to address any drainage concerns. As such staff cannot support a setback of 0 m. Staff is of the opinion that the application does not represent orderly development of the lands and is not minor in nature.

**Conclusion**

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We have reviewed the material submitted and have no objection to the request. However, this Department advises that the proposed concrete surface along the north side of the existing garage be designed such that the surface drainage will be self-contained within the applicant's own lands and not drain onto the adjacent property to the north.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Planning and Building Department has not received a development application for the proposal and therefore this application has not been reviewed by Zoning staff. We are unable to provide comment with respect to the accuracy of the requested variance or whether additional variances will be required.

The applicant should clarify the proposal and required variance. The proposed scope of work ("hard landscaping") does not correspond to any applicable Zoning By-law requirement for "hard landscaping".

Two possible regulations (among others) that might apply include:

#### Section 4.1.5.7

Decorative paving, pool decking, and other hard surfaced landscape material are permitted an unlimited encroachment in a required rear yard, provided that they do not exceed 0.3 m in height above grade at any point, and maintain a minimum setback to any lot line of 0.61 m

#### Section 4.1.5.11

A freestanding deck may be located in a rear yard provided that it does not exceed 1.2 m in height above grade at any point, is uncovered and is not closer than 0.61 m to any side lot line and 1.5 m to any rear lot line

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner