

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): A143.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00 PM

Consolidated Recommendation

The City has no objection to the variance, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard deck proposing a lot coverage of 38.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Amendments

The Building Department is currently processing a building permit under file 20-1114. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard deck proposing a lot coverage of 38.45% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 4272 Greybrook Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

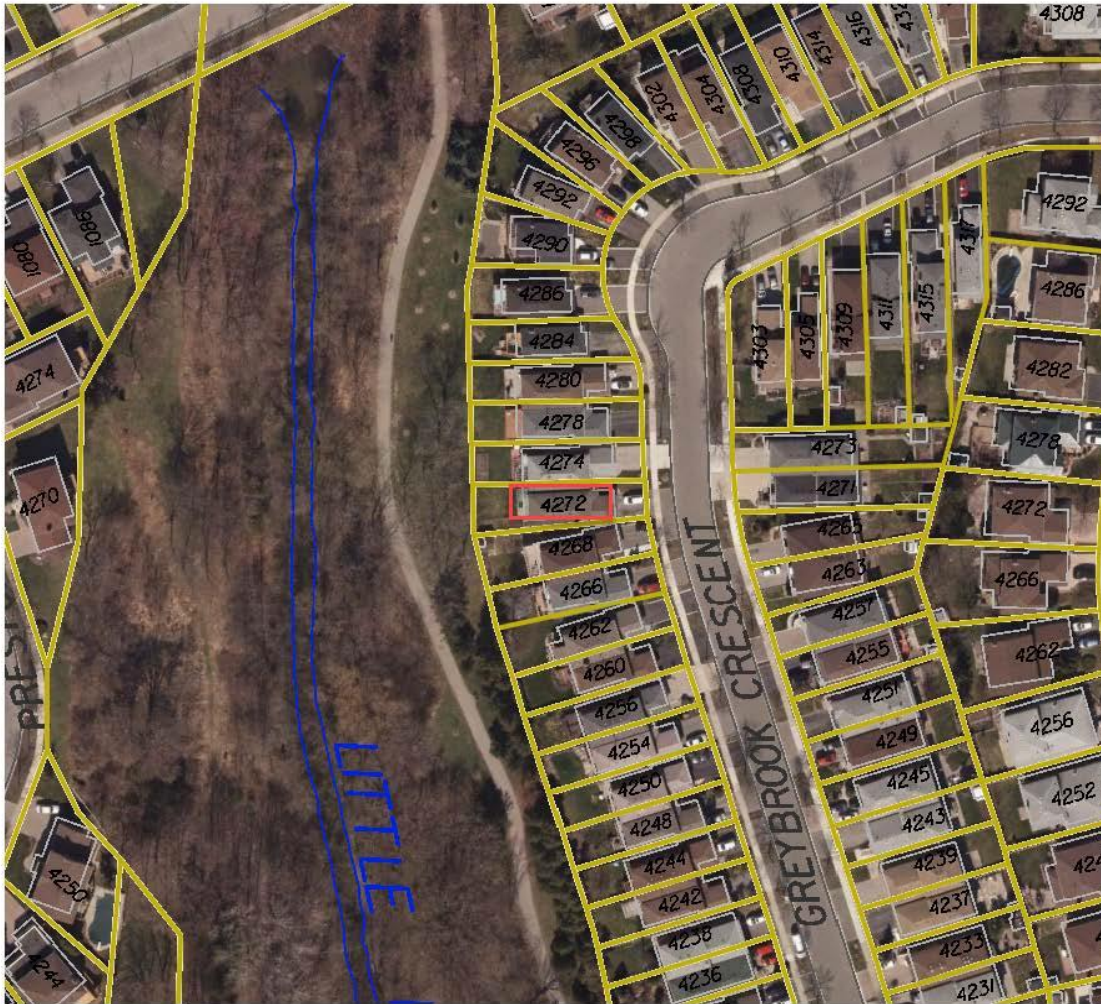
Zoning: RM1 - Residential

Other Applications: Building Permit 20-1114

Site and Area Context

The subject property is located within the Rathwood Neighbourhood Character Area, north-west of the Rathburn Rd. East and Golden Orchard Drive intersection, East of Little Etobicoke Creek. The subject property is an interior parcel with a lot area of +/- 381.46m² and a lot frontage of 8.5+/- m. The property consists of a two-storey detached dwelling with minimal landscape elements present in the front and rear yards. The surrounding neighbourhood consists exclusively of detached dwellings with lot frontages of +/-8.0m and minimal vegetative / natural landscaped elements in the front yards.

The applicant is proposing a new deck in the rear yard that requires a variance for 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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. 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 variance, as requested, meets the purpose and general intent of the Official Plan.

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

The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the excessive lot coverage is due to the rear deck, which has an area of 24.0 m². Excluding the rear deck, the dwelling would have a lot coverage of approximately 32%, which maintains the by-law provisions of 35%. The proposed deck is open on all sides thereby reducing the massing of the dwelling and any negative impact to abutting lots. Additionally there are no drainage concerns. The variance, as amended maintains the zoning by-law.

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

The proposed deck poses no massing or drainage concerns and will not impede upon the neighbouring properties. As such, Staff finds the proposal to be minor in nature resulting in the orderly development of the land.

Conclusion

The Planning and Building department have no objections to the application, as amended.

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

Appendices

Appendix 1 – Transportation and Works Comments

We note that this department has no drainage related concerns with the rear yard deck.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file 20-1114. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard deck proposing a lot coverage of 38.45% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo - Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

"[Enter Community Services staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-143/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA).

The Region relies on the environmental expertise of the TRCA for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on March 26, 2021. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020 (PPS)*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

The purpose of this Minor Variance Application is to allow the construction of a rear yard deck proposing a lot coverage of 38.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

It is our understanding that the purpose of the above variance is to allow the existing rear deck to remain.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 143/21.

Application Specific Comments

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a valley corridor of Etobicoke Creek and within its associated Regional Floodplain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;

- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the applicant was granted a permit by TRCA to recognize the development of a 24 sq.m. (258.3 sq.ft.) deck attached to the back of the existing building on the subject property (Permit No. C-210113). Based on our review, it appears that the proposed works in this application are consistent with the approved permit. As such, TRCA staff have no concerns with the proposed variance, as currently submitted.

TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Comments Prepared by: Lina Alhabash, Planner I